

## **CHAPTER 9**

### **RIGHT OF WAY**

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## OVERVIEW

Right of way will be acquired when existing property is not dedicated for highway or public use and is required for highway purposes. Some of these necessities for highway purposes are construction, sight distance, right of way uniformity, maintenance (i.e. impoundments, drainage, etc.) and safety (clear zone). Acquisitions shall be in accordance with the existing laws and regulations.

A permanent easement is a non-possessory interest to use [real property](#) in possession of another person for a specified use. The owner of the land can continue to use the property for any purpose that does not interfere with the specified use. A permanent easement is considered a property right in itself at [common law](#) and is still treated as a type of property.

A temporary easement, located outside of the right of way, is obtained from the property owner so that construction activities (e.g. fill slope, cut slope, traffic diversion, entrances, etc.) can occur. The duration of a temporary easement typically extends one year following completion of the project.

On highway projects for which right of way and/or temporary easements are needed, the Department of Transportation conducts a public meeting and/or individual landowner meetings.

Right of way plans and plats are generally prepared by personnel within the Office of Road Design under the direction of the Road Design Land Surveyor. Right of way plans and plats may also be prepared by private consulting firms under the direction of their Registered Land Surveyor or by SDDOT Region personnel under the direction of the Region Land Surveyor.



## **RIGHT OF WAY PROCESS**

### **Strip Map (3080)**

A strip map is a layout of the project showing the beginning and ending limits of work that encompass the project. The strip map will be provided to the Right of Way Program Internal Auditor (cc to Region Land Surveyor) to order landowner names, mailing addresses, legal descriptions, recorded plats/deeds, non-utility easements and previous highway plats/deeds.

Refer to the Road Design CADD Manual ([Chapter D - Drafting](#)) for details on what information needs to be on the strip map ([Figure 9-2](#)).

### **Landowner Names, Legal Descriptions and Address Check (3081)**

Landowner names, mailing addresses, and legal descriptions will be furnished by the Right of Way Program Internal Auditor (this may take up to 60 days to receive), which will also include copies of plats that are contained in the property description. This information will then be transferred to the strip map to ensure all property has been researched. The names and legal descriptions are entered into HW07 Right of Way Parcel Inventory database by the office managing the project design for availability to other department personnel.

All legal descriptions will be derived from the Original Plat concerning spelling and punctuation. If the deeded description does not reflect what appears on the face of the plat, the deeded description will be superseded by the language on the plat. Exceptions may be necessary where Government lots or mineral surveys are part of the description.

### **Research Existing Right of Way Documents (3081)**

In addition to the information received from the Right of Way Program Internal Auditor, the Road Design Right of Way Specialist will research all historic and current right of way data for the purpose of determining property splits, ownership, existing highway right of way limits, control of access limits, access easements, etc. Some common sources of locating these documents are:

- a. Original section & township notes (Government Land Office (GLO) notes) and the original township plat - Microfilm or State Archives (773-4283)
- b. Plats recorded with the Register of Deeds at the appropriate County courthouse.
- c. Past highway/bridge projects - Microfilm or Region Office
- d. City maps & plats
- e. Abandonment files on File Director



### **Land Ties (3081)**

Land ties are physical monuments that pertain to highway right of way corners, property corners, section corners, quarter corners, etc. The Region Land Surveyor will collect the locations of these monuments as a land tie survey. These surveyed points and property lines including the complete section breakdown will be input into a graphics file by the Region Land Surveyor. Any additional ties should be surveyed immediately after omissions or possible errant points are discovered. When the land tie survey is complete, the Region Land Surveyor will make the files available to the Right of Way Specialist for use in establishing right of way and property lines. Any additional property splits can be verified after reviewing the certificates of title when they are received.

Refer to the DOT Survey Manual for additional information on collecting land tie information.

### **Establish Existing Right of Way (3081)**

Existing right of way will be established by the assigned Right of Way Specialist prior to the Designer establishing the preliminary grade line, utilizing the legal descriptions, preliminary survey data, researched documents and land ties. Original plats will take precedent over deeds or other legal descriptions.

### **Title Information (3081)**

Updated title information should be requested approximately 90 days prior to landowner meetings. Check the updated information with the strip map to ensure all property has been researched. Any new or updated information needs to be entered into HW07 Right of Way Parcel Inventory database to be used for the landowner meetings and right of way plans and plats.

### **Mosaic/Right of Way Plans (photos) (3082)**

When the existing right of way is established, a mosaic will be created. The mosaic is an aerial photo of the entire project which will be utilized for preliminary design inspections and landowner meetings. Right of way plan sheets will be created from the mosaic. If no photos are needed, this data will be included on the construction plan sheets as combination construction/right of way plans and noted as such on the title sheet. ([Figure 9-16](#))

Refer to the Road Design CADD Manual (Chapter C – Right of Way) for details on information needed on the Right of Way Plan Sheet Guide ([Figure 9-13](#))



### **Landowner Meeting Preparation (3067 & 3082)**

Two sets of the right of way plans and construction plans shall be prepared for individual meetings with all the landowners within the confines of the project. Provide one set to the Right of Way Program Engineer for their review and use at the landowner meetings at least two weeks prior to the scheduled meeting date. Provide the second set of right of way plans and construction plans to the Area Engineer prior to the landowner meetings for reference in the interim period.

Refer to the Grading Checklist for a list of information that is to be shown on the right of way plans and the construction plans.

The following items describe the process to be followed prior to the landowner meetings:

- a. The Project Designer will schedule the landowner meeting by coordinating with the Area Office and the Right of Way Program to establish an agreeable date.
- b. Duration of meeting times (30 minutes) should be set by the Designer according to the number of landowners and complexity of the impact to the landowner's property. The number of landowners may require more than one meeting be held concurrently in order to shorten time away from the office.
- c. The Designer will coordinate transportation and lodging.
- d. The Designer shall utilize the HW07 Right of Way Parcel Inventory database to prepare an invitation form letter and landowner meeting note sheets.
- e. The invitation form letter is submitted to the Area Engineer for scheduling appointments. Other parties to be notified other than private owners may include:
  - i) Indian allotment land - the appropriate Agency will be notified.
  - ii) Utility companies
  - iii) Game, Fish & Parks
  - iv) United States Fish & Wildlife Service
  - v) United States Forest Service
  - vi) National Parks Service
  - vii) Corps of Engineers
  - viii) City
  - ix) County
  - x) Township
- f. The Area Engineer's office will contact the landowners with the form letter and if necessary, by phone and schedule appointments to meet with Department representatives. The meeting place is obtained by the Area office personnel.
- g. All landowners are to be given the opportunity to meet with Department representatives, even if there are not impacts to their property. Landowners unable to attend their scheduled appointment will be contacted by Area Office



personnel to reschedule their appointment and submit pertinent documentation to the designer. Effort is made to finalize the design at this stage including follow-up meetings with the landowner(s) if necessary.

### **Landowner Meeting (3059)**

The Department is usually represented by the Area Engineer and/or the Area Engineering Supervisor, the Project Designer, and a Right of Way Coordinator. If meetings are to be run concurrently, the Road Design Responsible Manager and an additional representative from the Right of Way Program should attend. The landowner is encouraged to provide input on right of way limits, fence, drainage, approaches, easement backslopes, and other improvements to the land.

The design representative will explain the overall project, details of the design's impact to the landowner's property and record input from the landowner. Specific discussion items will include right of way limits, temporary easements, fencing, sprinklers, drainage, approaches, borrow and existing private utilities. Names, correct addresses, phone numbers and e-mail address should be collected from the landowner (or their representative) and recorded on the note sheet.

The Right of Way representative will explain the acquisition process and if applicable, the relocation process. Any notes or information recorded by the Right of Way representative shall be given to the Project Designer for inclusion on the landowner meeting note sheet.

Following the meeting, the Project Designer shall revise the landowner meeting note sheets to include all information discussed. Any unresolved items, issues, or follow-up will be completed with correspondence back to the landowner to address their questions and concerns.

### **Set New Right of Way (3082)**

After approval of the Responsible Manager, the Designer is to set the new right of way lines in detail within the design .DGN file using graphic lines only (no geometric points) to be used by the Right of Way Drafter.

Refer to the Road Design CADD Manual (Chapter A - General) for appropriate symbology to be used.

#### **a. General Criteria**

- i) Grading projects typically maintain a uniform highway right of way width on each side of the existing right of way corridor or each side of the construction centerline.



- ii) Where cut slopes extend beyond the existing right of way or proposed right of way and encroach onto a landowner's property and are considered unusable, a permanent easement will be acquired to encompass the slope(s). Cut slopes can be acquired in fee title by right of way taking (H-lot) at the request of the landowner(s).
- iii) Where fill slopes extend beyond the existing right of way or proposed right of way and encroach onto a landowner's property by ten feet or less, a temporary easement will be acquired for construction. In areas where fill slopes encroach onto a landowner's property by more than ten feet, a permanent easement will be established to encompass the slope(s). Fill slopes can be acquired in fee title by right of way taking (H-lot) at the request of the landowner(s).
- iv) Where additional right of way will need to be acquired for lanes added to an existing highway (i.e. conversion of a two-lane highway to a divided four lane expressway), the proposed right of way will parallel the existing right of way in order to maintain a consistent corridor width. This may not be attainable where an alignment horizontal curve of the new lanes does not parallel the alignment horizontal curve of the existing lanes.
- v) Justification is needed for any proposed right of way set less than desired.
  - 1. Where there is need for a width change close to a P.C. or P.T. of a horizontal curve, the breaks should be made coincident with the P.C. or P.T.
  - 2. Where width changes are required both right and left, the break points should coincide at the same stationing if possible.
  - 3. Breaks in widths should occur at lot lines and property lines, not in drainage channels, intersecting roads or access locations.
  - 4. Where proposed right of way is to be acquired at the beginning or ending of a project within the limits of an individual property ownership, consideration should be given to acquiring right of way along the entire property.

b. Rural Criteria

- i) Right of way total width of 150 feet parallel to the existing right of way or 75 feet both sides of the construction centerline is desirable.
- ii) Exceptions to the desired width may occur where farmsteads, trees, buildings, utilities or environmentally sensitive areas would adversely increase project costs or cause undesirable damages to the landowner's property. Such exceptions may use 65 feet as the minimum. A 50 feet width or the clear zone may be considered on a case-by-case review. The Responsible Manager must approve all exceptions to the desired right of way width.

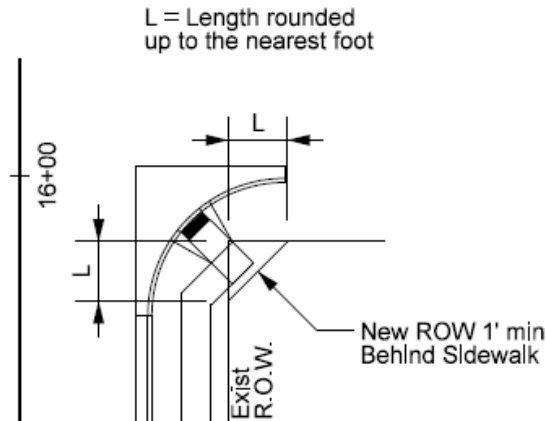


- iii) In areas where the landowner(s) request the purchase of cut slopes and/or fill slopes in fee title (H-lot) the proposed right of way lines will be established ten feet beyond the cut slope or fill slope limits. The additional right of way will contain as few breaks as possible.
- c. Interstate Criteria
  - i) Mainline - 300 feet total right of way is desirable
  - ii) Ramps - 75 feet both sides of the ramp alignment.
- d. Expressway Criteria (includes truck routes)
  - i) Divided - 300 feet total right of way is desirable
  - ii) Undivided - 200 feet total right of way is desirable
- e. Urban Criteria
 

Where additional right of way will need to be acquired, parallel the existing right of way or construction centerline. Width for urban highway right of way may vary and is based on the sum of the following to keep right of way takings in urban areas to a minimum:

  - i) Number and width of driving lanes
  - ii) Number and width of shoulders (if provided)
  - iii) Width of median (if provided)
  - iv) Width of curb and gutter
  - v) Width of sidewalks
  - vi) Additional width to accommodate utilities, sight triangles etc.
  - vii) Additional width to accommodate right of way and property corner monumentation - one foot behind the back of sidewalk is desirable.
- f. Miscellaneous Criteria
  - i) Right of way blockouts at lot corners should be established as necessary to keep right of way acquisition to a minimum. The length of the blockouts along the existing right of way should be rounded up to the nearest whole foot while still maintaining 1-foot minimum width behind the back of sidewalk or curb ramp.





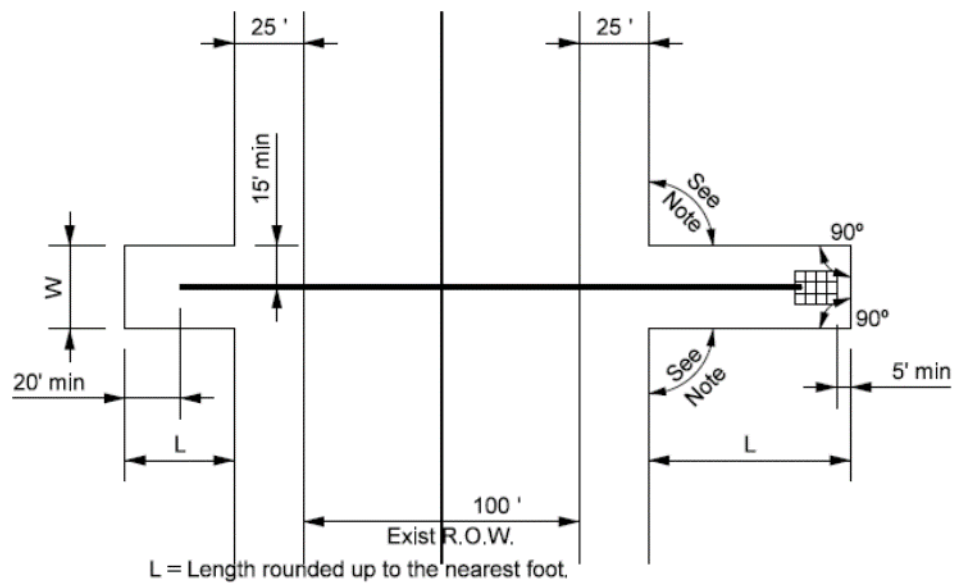
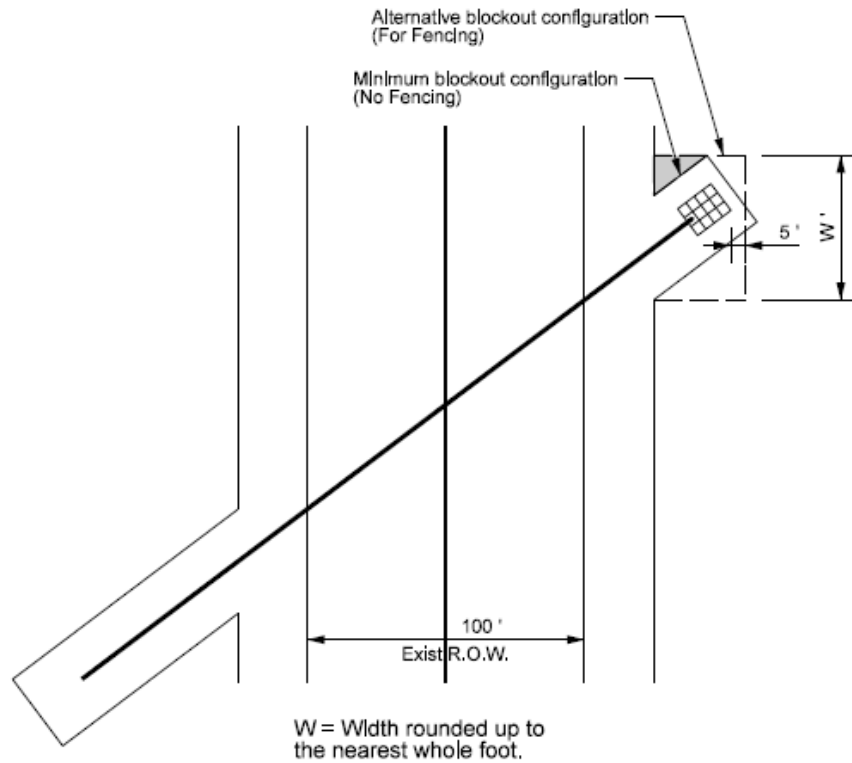
- ii) Right of way blockouts for drainage pipe and/or permanent erosion protection (i.e. gabions) that extend outside the existing right of way or proposed right of way, use the following criteria: 15 feet both sides of the centerline of the pipe perpendicular to the (existing or proposed) right of way line and 20 feet beyond the pipe end or 5 feet beyond the limits of permanent erosion protection, if provided, whichever distance is greater. Other considerations will be based on future maintenance, access needs and terrain.
1. For pipe that is skewed to the roadway, consideration should be given to fencing needs, length of pipe beyond the right of way corridor and property use when determining whether the blockout should be parallel to the centerline of the pipe or perpendicular to the (existing or proposed) right of way line. ([see page 9-12](#))
    - When providing fence around a blockout for a pipe that is skewed, the shape should be reasonable to fence. In situations where a sharp acute angle in the right of way line is created, resulting in an undesirable right of way line difficult to fence, the blockout should be adjusted to be perpendicular to the (existing or proposed) right of way line.
    - When fencing is not provided around a blockout for a pipe that is skewed, the shape should be parallel to the pipe. In situations where a sharp acute angle in the right of way line is created, resulting in an undesirable right of way line, the blockout should be adjusted to be perpendicular to the (existing or proposed) right of way line.
  2. For pipe that is perpendicular to the roadway the blockouts will be perpendicular to the (existing or proposed) right of way. ([see page 9-12](#))



- iii) If the apron of a box culvert is outside the right of way corridor or is within the right of way, but less than 10 feet from the right of way line use the following criteria: 15 feet each side of the wingwalls and 20 feet beyond the box culvert apron or 5 feet beyond the limits of permanent erosion protection, if provided, whichever distance is greater. The shape of the additional right of way should be parallel and perpendicular to the (existing or proposed) right of way. Other considerations will be based on future maintenance, access needs and terrain.
- iv) If storm sewer pipe extends outside the right of way corridor use the following criteria: 10 feet both sides of the storm sewer pipe and 10 feet beyond the storm sewer pipe end or 5 feet beyond the end of permanent erosion protection, if provided, whichever distance is greater. The shape of the additional right of way should be parallel and perpendicular to the (existing or proposed) right of way.
- v) At bridge structure locations where additional right of way is needed for bank protection (guide banks, extended rip rap, etc.), new right of way should be established 20 feet from the bank protection feature. The shape of the additional right of way should be parallel and perpendicular to the (existing or proposed) right of way.

Bridge structures, reinforced concrete box culverts (RCBC), erosion protection for reinforced concrete box culverts (RCBC), traffic signal poles and traffic control devices should be encompassed by state owned right of way (H lot). (See Chapter 16 – Miscellaneous for retaining wall requirements.)





W = Width rounded up to the nearest foot. This may be > 30 ft. when pipe is not perpendicular to the mainline alignment.

Note = This angle is 90°, however it may vary when the right-of-way line is circular.



## **Set Temporary Easements (3060)**

- a. Temporary easements are necessary whenever work limits extend outside of or very close to the right of way line and additional space is needed for construction activities, such as the following cases:
  - i) Cut slopes and fill slopes
  - ii) Access locations
  - iii) Inlet and outlet ditches at drainage structures including erosion protection.
  - iv) Channel changes where future maintenance by public entities is not anticipated.
  - v) Urban projects to provide additional construction work areas for installation of storm sewer, sidewalk, retaining walls or other construction activities near the right of way line.
  - vi) Rural projects to provide additional area for topsoil piles and/or to carry traffic outside of the work limits.
  - vii) On all State-owned property that is outside of dedicated highway right of way.

Refer to the Road Design CADD Manual (Chapter D – Drafting) for details on temporary easements, temporary easement annotations and temporary easement notes.

- b. General Criteria for Rural, Suburban and Urban
  - i) Long, straight temporary easement lines are preferable to minimize the number of breaks required along the easement.
  - ii) If a temporary easement includes personal property not to be disturbed, show a note on the construction plans stating "Do Not Disturb" the item (i.e. tree or fence) include the station and offset distance.
  - iii) Station and offsets are to be shown on construction plans at:
    - 1. Beginning and ending of temporary easements.
    - 2. All PI's along temporary easement line.
    - 3. Parcel limits at the right of way line and outer limit line.
    - 4. At locations of ownership change.

NOTE: For station and offset follow the "Construction Rounding Guidelines" in Chapter 18 – Plans Assembly.

- iv) Place temporary easement notes on the construction plans and right of way plans.



- c. Rural Criteria - Temporary easement boundaries on rural portions of projects should be established using the following:
  - i) 20 feet outside of work limits.
  - ii) Additional easement for carrying traffic (if requested by Area Office).
  - iii) For bore and jack culverts use the following criteria: 100 feet both sides of the culvert and 100 feet beyond the end of culvert.
  - iv) For slip-lining use the following criteria: 50 feet both side of culvert and 100 feet beyond the end of culvert.
  - v) Slip-lining and bore and jack limits may be adjusted based on site conditions and applied to Suburban and Urban areas.
  - vi) Compute and show the area of the temporary easement in acres. Calculate the area to the nearest 0.1 acre.
- d. Suburban Criteria - Temporary easement boundaries on suburban portion of projects should be established using the following:
  - i) For suburban areas the land use may change frequently. Suburban areas shall be treated on a parcel by parcel basis utilizing the rural criteria for undeveloped properties and urban criteria for developed properties. A 20-foot offset from the work limits may be needed to store topsoil or construction materials on undeveloped properties. In other locations an offset of 5 to 10 feet may be more appropriate for developed properties.
  - ii) Compute and show the area of the temporary easement in both acres and whole square feet – 0.1 ac, 0 sq. ft.
- e. Urban Criteria - Temporary easement boundaries on urban portion of projects should be established using the following:
  - i) 5 to 10 feet outside of the work limits. The easement can be eliminated or reduced if the work limits can be held within the right of way and still accommodate construction. The Designer must pay close attention to the impacts the temporary easement may have on the adjacent property's improvements.
  - ii) Compute and show the area of the easement in whole square feet – 0 sq. ft.

### **Right of Way Advance Acquisition by Description**

When property is purchased for future highway use, well in advance of the actual design and construction of the highway, it is referred to as Advance Acquisition.

When construction plans and right of way plans are being prepared for a project that has had advance acquisition, it will be necessary to show the following on the plans:



- a. State of South Dakota Department of Transportation and the original landowner's name along with a note on how it was acquired shown on both the right of way plans and construction plans.
- b. A parcel number on both the construction plans and the right of way plans.
- c. The area, in acres and square feet, used in the acquisition document.

State of South Dakota  
 (Department of Transportation)  
 (Gary A. Romey)  
 Right of way acquired by advanced acquisition

Tract C in the NW1/4 and SW1/4 of Section 34 – Township 7 South –  
 Range 6 East of the B.H.M.

Parcel 16  
 0.42 ac, R.O.W. Taking  
 (18474 sq ft) more or less

### **Right of Way Plats Prepared (3083)**

Right of Way Plats should be prepared as outlined in the Road Design CADD Manual (Chapter C – Right of Way) and as shown on the Plat Guide ([Figure 9-3](#)).

- a. Calculated areas of 217 square feet or less will not show an area in acres, only the square footage will be shown in the note.
- b. The acreage note for each lot or lots will include total acres and square feet along with the statement “more or less”.
- c. Lots or described parcels that are included in the deed where no new right of way is being acquired will not be included in the legal description on the plats.
- d. All lots or described parcels that are shown as exceptions on the deed will be shown in the legal description on the plats.
- e. When an owner has multiple lots or tracts that are adjacent to each other, the H lots shall be dimensioned separately, and the area split out accordingly. However, the heading will still show the lots having the same H number with the separate areas shown below and the appropriate area’s description added.
- f. Lot H? designators (H<sub>1</sub>, H<sub>2</sub>, etc.) on newly acquired right of way within a given quarter, Lot, Tract, etc. will increase incrementally, depending on previously acquired H-lots in that description.
- g. On rural plats all the right of way area within the limits of the parcel along the project route will be shown as either existing right of way (hatched) or newly acquired right of way (shaded). Exception to this are as follows:
  - i) When a legal description shown on the plat does not include highway right of way such as, “The NE1/4 lying north of the highway”



- ii) When a lot was originally platted up to the highway right of way line the existing right of way would not be hatched.
  - iii) Existing right of way is not hatched when the plat illustrates a blockout or permanent easement lot.
- h. Control of access is not shown on highway plats. Control of access is shown on the construction plans and the right of way plans and noted in the deed.
- i. The Datum note shall be shown on all plats:  
 “The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - (North Zone or South Zone) NAD (83/96, 83/07, 83/11) epoch (2002.00 or 2010.00) Geoid (03, 09, 12A or 12B) SF= (combined scale factor)” The information to be used can be found within the land tie file (.fwd) or the control file (.fwd) located in the project folder within the appropriate Region folder on the U drive.
- j. On Rural and Suburban plats, if the parcel does not extend the entire length between corners (section, quarter or sixteenth) using only one tie may be acceptable. An example of this would be if an individual purchases 5 acres in the corner of a section. The frontage would be short and therefore only one tie would be necessary to the section corner. In all other cases, tie to two corners.
- k. On Urban plats, ties should be made from the nearest found corners outside of the construction area. 2 ties are preferred but in some instances 1 tie will be enough. The tie will be shown following the bearing and distances of the property lines starting at the found corner location running to the H-Lot.

## **Plat Types**

Highway right of way plats are the most common plat type used to display the properties being acquired in fee title for transportation projects. There are conditions when a permanent easement plat will need to be prepared in place of highway right of way plats. When the Department desires to acquire only a specific right to use the land a permanent easement drawing will be made and attached to the permanent easement documents as an exhibit. This exhibit is not intended to name the property or give weight that it is a platted piece of property. The exhibit is intended to provide the location and size of the permanent easement described in the permanent easement document. Drafting Guidelines provided in Chapter C – Right of Way

### **HIGHWAY RIGHT OF WAY PLATS**

When parcels of land are to be platted and acquired for highway construction, operation, and maintenance beyond that which is existing right of way, this type of plat is used. These are typically strips of land paralleling the existing right of way or the highway centerline and are typically acquired in fee title. The heading should read as follows:



PLAT OF LOT H?

or

PLAT OF LOT H? AND LOT H?

or

PLAT OF LOT H? IN GOVERNMENT LOT 1 AND  
LOT H? IN S1/2 NE1/4

Showing a parcel of land to be acquired for highway purposes...

Highway Right of Way Plats of the strip type may include blockouts for the following:

- a. Bridge structures, reinforced concrete box culverts (RCBC), pipe culverts
- b. Erosion protection on grading and reconstruction projects.
- c. Storm Sewer (pipe or drop inlets)
- d. Sight Distance (sight triangle)
- e. Sidewalk/ADA ramps

Note: For pipe culverts and permanent erosion protection on resurfacing or culvert rehabilitation projects refer to Permanent Easement Exhibits.

#### PERMANENT EASEMENT PLATS

Permanent easement plats are used in place of highway right of way plats when fee title to the land cannot be acquired by the department. The newly platted lot will identify a specified purpose or right to be acquired from the given named property. The owner of the land will continue to own the newly created lot and may use the platted lot for any purpose that does not interfere with the specified use shown on the plat. Permanent easements will not be shown in combination with H-Lots on highway right of way plats. The heading should read as follows:

PLAT OF LOT PE?

or

PLAT OF LOT PE? AND LOT PE?

or



## PLAT OF LOT PE? IN GOVERNMENT LOT 1 AND LOT PE? IN S1/2 NE1/4

Showing a permanent easement to be acquired for (specified purpose)...

Recognize that when using a permanent easement plat for a specified purpose the State is limited to the specified use of the land.

### a. Highway Purposes

This purpose should be used when a parcel is needed for highway right of way but fee title to the land cannot be acquired from the landowner. A permanent easement plat for highway purposes allows the Department to use the platted lot for all highway purposes and allows the Department to issue permits to others (i.e. utilities, city) allowing them the use of the platted lot in the same way highway right of way is used.

### b. Highway Use

This purpose should be used when multiple uses are needed for the same easement located beyond the existing right of way or proposed right of way such as culverts and embankments, luminaire poles and traffic signs, pedestrian access route and storm sewer, etc.

### c. Wetland

This purpose should be used when wetlands are impacted or displaced and cannot be avoided. This type of plat is used to replace wetlands that are not under the jurisdiction of Federal Agencies.

## PERMANENT EASEMENT EXHIBITS (8 ½" x 11")

Permanent Easement Exhibits are prepared for highway features located outside of or extend beyond the existing right of way or proposed right of way. The exhibit depicts the location of the permanent easement but does not create a platted lot. The exhibit will be attached to the permanent easement document and depicts the size and location of the permanent easement(s). The exhibit along with the permanent easement document will streamline the location, size and purpose of the permanent easement and the future removal of such an easement when required. The owner of the land will continue to own the property and may continue to use the property for any purpose that does not interfere with the specified use shown on the permanent easement document. The exhibit will retain a parcel number for administrative identification purposes. If there are two or more permanent easements within the same legal description, the easements shall be numbered as follows: Permanent Easement 1, Permanent Easement 2, Permanent Easement 3 and so on. When combining luminaire poles, traffic signs,



permanent signing, pedestrian access route, drainage channel, storm sewer, etc. a Highway Right of Way Plat for Highway Purposes or Permanent Easement Plat for Highway Use is generally used. The heading shall read as follows:

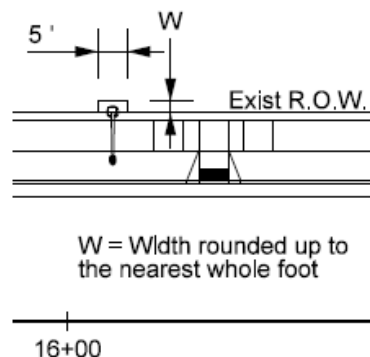
EXHIBIT A (B, C, etc. as needed)

Showing a permanent easement to be acquired for (specified purpose)...

a. Luminaire Poles (Figure 9-5)

A permanent easement is acquired to show the limits necessary to construct and maintain a luminaire pole located beyond the existing right of way or proposed right of way or is adjacent to the right of way line and portions of the pole or the footing of the pole extend beyond the existing right of way or proposed right of way. Blockouts for luminaire poles should be established as a rectangular shape with a 5-foot length (parallel to right of way and centered on pole) and with a width that provides 3 feet from the center of pole to the back side of the blockout (landowner side). Dimensions are to be rounded up to the nearest whole foot.

For example - a 2-foot diameter footing centered 0.75 feet outside the right of way line would have a blockout width of 3.75 feet from the right of way line (0.75 ft. + 3.0 ft. = 3.75 ft.) rounded up to 4 feet.



b. Traffic Signs and Permanent Signing

A permanent easement is acquired to show the limits necessary to place traffic signs or permanent signing beyond the existing right of way or proposed right of way. Blockouts for signs should be established as a rectangular shape with a 5-foot length (parallel to the right of way and centered on the sign) and with a width that provides adequate space for maintenance on the back side of the blockout (landowner side). Dimensions are to be rounded up to the nearest whole foot.



c. Underdrains

A permanent easement is acquired for underdrains that extend beyond the existing right of way or proposed right of way, use the following criteria: 15 feet both sides and parallel to the centerline of the pipe (reduced to 10 feet both sides for toe drains, backslope drains or for urban settings). Other considerations will be based on future maintenance, access needs and terrain.

d. Livestock Passage

A permanent easement is acquired for livestock when livestock are required to travel across adjacent landowner's property.

e. Pedestrian Access Route

A permanent easement is acquired to show the limits necessary for sidewalks or recreational paths located on private property.

f. Drainage

A permanent easement is acquired to show the limits necessary to construct and maintain open channels, underground storm sewer systems, culverts, or RCBC that extend beyond the existing right of way or proposed right of way. For resurfacing or culvert rehabilitation projects updated land ties are typically not needed if the location of the right of way can be determined using older land ties, plans, plats and surveyed locations. However, for special conditions it may be determined that a Highway Right of Way Plat for Highway Purposes or Permanent Easement Plat for Highway Use should be used.

g. Private Access (mutual access) ([Figure 9-6](#))

A permanent easement is acquired to allow access across property that is not owned by the person needing access. No parcel number or project number is shown on this type of exhibit.

h. Retaining Walls

A permanent easement is acquired when retaining walls are constructed as part of the road system adjacent to the right of way line and portions of the wall or the footing of the wall extend beyond the existing right of way or proposed right of way.



i. Embankment

A permanent easement is acquired to show the limits necessary to maintain cut or fill slopes that extend beyond the existing right of way or proposed right of way. The permanent easement will be established ten feet beyond the cut slope or fill slope limits.

j. Impoundment

A permanent easement is acquired to show the limits of the area where water will be temporarily or permanently ponded after construction which are located beyond the existing right of way or proposed right of way.

## PROPERTY PLATS ([Figure 9-7](#))

When the Department of Transportation sells or transfers property to some other government entity or private individual, a plat is prepared to show this property.

Care should be taken not to label lots with the same nomenclature within the same legal description, even though the purposes of the plats may be different. I.e. do not have two Lot A's within the same legal description. Likewise, do not duplicate nomenclature of a lot that already exists in the legal description.

a. Excess Property or Uneconomic Remnant

Plats are prepared to show the area of land that is outside the limits of the dedicated highway right of way. The parcel number of the plat will be the same as the parcel number for the right of way plat, except it shall be followed by an "X". The heading should read as follows:

PLAT OF LOT A (B, C, etc. as needed)  
Showing a parcel of land...

b. Acquisition of material for borrow

Borrow plats are prepared to show the area that is needed to acquire borrow for the construction of the roadway. The parcel number of the borrow plat will be the same as the parcel number for the right of way plat. The heading should read as follows:

PLAT OF LOT A (B, C, etc. as needed)  
Showing a parcel of land to be acquired for highway borrow...



c. Abandonment Plat

Abandonment plats are used to show parcels of land that are no longer needed for highway right of way purposes. This type of Plat can be used only if the land was not acquired in Fee Title. The description will also include the H designators that were used to previously identify the parcel. This type of plat is prepared in the same manner as other property plats, except the parcel number and project number will not be shown on the plat. The heading should read as follows:

PLAT OF LOT A (B, C, etc. as needed)  
Showing a parcel of land for highway purposes to be abandoned in  
Lot H1, Lot H2, etc.

d. Transfer Plat

Transfer plats are used to show parcels of existing highway right of way that are to be transferred to another government entity such as a city, county, etc. This type of plat is prepared in the same manner as other property plats, except a parcel number and the project number will not be shown on the plat. The heading should read as follows:

PLAT OF LOT A (B, C, etc. as needed)  
Showing a parcel of land for public purposes, transferred to the city of..., county of..., etc.

e. Utility Plats

A utility plat is prepared to provide access for non-highway related utilities (underground or overhead) by permanent easement or fee title. When necessary, the lots shall be split out on the plat to distinguish between features such as poles, pedestals, etc. and aerial/underground features. This is done because of differences in land value whether the landowner can use the property. Utility plats shall not be shown in combination with a Highway Right of Way Plat. When a utility parcel exists within the same legal description as a permanent acquisition, an "A" should be inserted after the parcel number (Parcel 4A). The heading should read as follows:

PLAT OF LOT U?  
Showing a permanent easement to be acquired for utility use...

f. Amendment Plats ([Figure 9-8](#))

Amendment Plats are used to correct a plat when an affidavit of correction document cannot be used for correcting a plat filed with the Register of Deeds. The same lot number will be used as on the original plat. Amendment Plats shall



retain all the items contained in the original plat. The heading should read as follows:

PLAT OF LOT H?  
Amending the Original Plat of Lot H? as recorded in  
Book ?? of Plats - Page ?? - Dated Month-Day-Year

or

Amending the Original Plat of Lot H? as recorded in  
Envelope No. ?? – Dated Month-Day-Year

or

Amending the Original Plat of Lot H? as recorded in  
Document No. ?? – Dated Month-Day-Year

## FEDERAL GOVERNMENT PORTFOLIO PLATS

Trust land and Federal land plats are to be created in portfolio format (title sheet with one or more plats attached). All right of way (e.g. embankment, culverts, storm sewer pipe, etc.) is to be conveyed by plat. Exhibits are not to be used to convey right of way across Trust or Federal Government lands.

### a. Trust Land Plats ([Figure 9-9](#), [Figure 9-10](#) and [Figure 9-11](#))

- i) Trust Land does not recognize statutory section line right of way therefore, section line right of way shall not be shown on this type of plat.
- ii) The corresponding temporary easements will also be shown on the plat in table form; stationing, direction left or right, area, purpose and legal description.
- iii) When a parcel has temporary easement only, a temporary easement plat will be prepared for those temporary easements.
- iv) The heading at the top of the plat must show the land description, the area of the taking, ownership and allotment number (identification of property with reference to Trust records).
- v) The project number, county, scale and sheet numbers will be shown in the title block located in the lower right corner of the plat.

### b. Federal Agency Land Plats

- i) Plats are prepared in the same manner as those for Trust Land.
- ii) Temporary easement information is not included on Government Land plats.



- iii) The SDDOT Division Director of Planning and Engineering certificate is not required, and the legend will show Federal Lands and the specific office noted – United States Forest Service, National Forest, Army Corps of Engineers, United States Fish and Wildlife Services, etc.
- iv) On land that is owned by a federal agency it is recommended that they be contacted to determine if they recognize the existing highway right of way crossing their lands before the plat work begins.
- v) On land that is owned by the United States Fish and Wildlife Services the US Fish and Wildlife acknowledgement certificate will be placed in the lower right corner on the portfolio cover sheet.
- vi) When wetlands are impacted or displaced on Federal Lands a plat for wetland mitigation is prepared and included in the portfolio.

## STATE GOVERNMENT PLATS

State and local government plats are prepared in the same manner as highway right of way plats.

### a. School and Public Land Plats

- i) Plats are prepared in the same manner as highway right of way plats. Do not use exhibits.
- ii) Parcels are to be no larger than a quarter-quarter section (40-acre tract).
- iii) Crossings over riverbeds and creek beds owned by the State of South Dakota are to be prepared as permanent easement plats for highway purposes.

### b. Game Fish and Park Plats

- i) Right of way takings are prepared as permanent easement plats for highway purposes. Do not use highway right of way plats or exhibits.
- ii) Parcels are to be no larger than a quarter-quarter section (40-acre tract).

### c. Department of Transportation Plats

Land that is owned by the Department of Transportation, which is not dedicated for highway purposes, can be shown on a plat which must include the Secretary of Transportation Certificate dedicating same for highway purposes. The heading should read as follows:

PLAT OF LOT H?

or



PLAT OF LOT H? AND LOT H?

or

PLAT OF LOT H? IN GOVERNMENT LOT 1 AND  
LOT H? IN S1/2 NE1/4

Showing a parcel of land to be dedicated for highway purposes...

**Final Right of Way Plans (3083)**

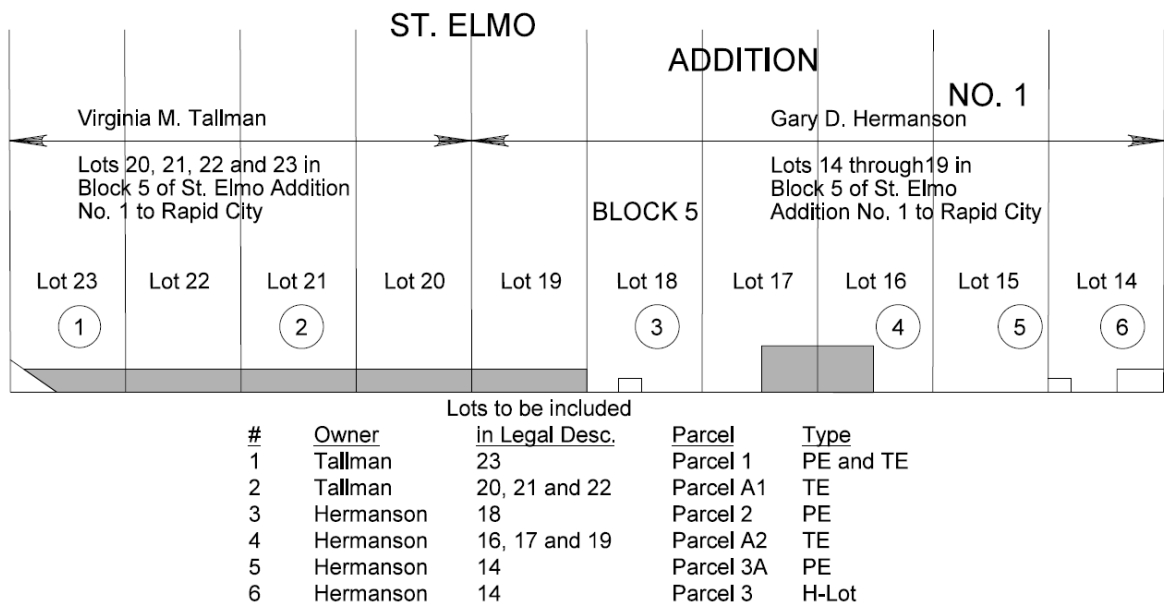
An assigned Right of Way CAD Technician will be responsible for the preparation of the Right of Way plan sheets by copying the information from the right of way .DGN file onto the right of way aerial photo plan sheet. A title sheet will be prepared by the Grading CAD Technician. Label each plan sheet with a north arrow and each section of land with a section number, township and range.

There are several important points of information, which are most readily obtained from the right of way plans. Complete the plan sheets with the inclusion of the following material:

- a. Right of Way boundary width(s) to be acquired. The required dimensions will be shown on the photos.
- b. Identity of landowners and legal description.
  - i) Show the name of each landowner whose property lies adjacent to the project and is affected by the taking, a permanent and/or a temporary easements and/or control of access. Under each landowner's name, identify the property by legal description and the associated parcel number.
  - ii) When a legal description contains reference to multiple tracts or assemblies of land, only include those portions of the legal description impacted by right of way acquisition. Examples: If a landowner owns Lots 1 through 8 in Block A and an easement is being acquired only from Lot 1, do not include lots 2 through 8 in the legal description. If a landowner owns property in the NE and NW quarters of Section 33, but an H-Lot and temporary easement are only needed in the NE quarter, do not include the NW quarter in the legal description.
- c. Identity of land by parcel number.
  - i) A Parcel for acquisition purposes is a tract or assembly of land having common title ownership and generally the same usage. A parcel number is required for each piece of land one-quarter section or smaller in width where the Department of Transportation is acquiring property from the landowner.



- ii) Parcels should be numbered in increasing value from the beginning of the project to the end of the project; however, once the project has been released to the Office of Right of Way, supplemental Parcels may be inserted in non-sequential order or may be inserted with an “A” following the lowest adjacent Parcel number. If a revision in ownership is received, i.e., part of a parcel has been sold to another party, the divided parcels will be numbered, by using the original number followed by an “A” for the part sold or otherwise divided off. For example, Parcel 10 for original parcel and Parcel 10A for the divided portion.
1. Rural – Parcels are numbered consecutively throughout the project from section line to quarter section line first on the left side of the roadway then on the right side. The numbers are continued from the quarter section line to the next section line in the same manner. A parcel is no larger than a quarter section of land.
  2. Urban – Parcels are numbered consecutively throughout the project from street to street (by block) first on the left side of the roadway then on the right side. Parcels in urban areas may vary in size and description. A parcel may be a lot, block or a tract of land.
- iii) When acquisition types differ across portions of the same ownership, separate respective parcel numbers shall be assigned.



Note: If the ROW needs on Lots 14 and 18 were the same type, they would be combined into one Parcel and one legal description.

**Figure 9-1** Parcel numbering across multiple lots with same ownership



- iv) Separate parcel numbers will be used in the case of purchasing land for both the Department of Transportation and another government entity within the same legal description.
- v) When a permanent easement exists within the same legal description as fee simple or right of way acquisition (H-Lot), an “A” is to be added after the parcel number (Parcel 4 for the right of way H-Lot and Parcel 4A for the Permanent Easement).
- vi) When a parcel number has been assigned, and it is later determined to be no longer necessary, delete the landowner information, keep the parcel number and add “omitted” on the construction and right of way plans.
- vii) Number each parcel throughout the project, in accordance with the corresponding parcel numbers described as follows.

**Table 9-1 – Parcel Numbering Hierarchy**

Parcel Designation	R/W Acquisition	Control of Access	Temporary Easement	Eliminate Entrance	Fence Installation	Building Face Modifications
1, 2, etc.	Yes	Can be Included				
CA1, CA2, etc.		Yes	Can be Included			
A1, A2, etc.			Yes	Can be Included		
E1, E2, etc.				Yes	Can be Included	
F1, F2, etc.					Yes	
B1, B2, etc.						Yes*

\* If no modifications to the building are needed, an easement (B parcel) is not required.

1. Parcel 1, Parcel 2, etc. will be given when permanent acquisition or permanent easement is needed for a parcel.
2. Parcel CA1, Parcel CA2, etc. will be given for acquisition of control of access when no right of way acquisition and/or permanent easement is needed for a parcel.
3. Parcel A1, Parcel A2, etc. will be given for temporary easements, when no right of way acquisition and/or permanent easement or control of access is needed for a parcel.
4. Parcel E1, Parcel E2, etc. is given for eliminating an entrance when no permanent acquisition and/or permanent easement, control of access or temporary easement is needed for a parcel. An “E” parcel is used to remove an entrance when the work limits are inside existing right of way (i.e. on private property the landowner desires to remove surface of entrance and replace with topsoil/seeding, etc.



Note that this work will be done by the landowner and not part of the project).

5. Parcel F1, Parcel F2, etc. will be given for placement of fence only for a parcel.
  6. Parcel B1, Parcel B2, etc. When a building is located on the right of way line and a sidewalk or ramp is being constructed adjacent to the building, an easement from the landowner is needed only if modifications will be made to the building (i.e. adjustments to siding, flashing, etc.). If no modifications to the building are needed, an easement is not required.
- d. On urban projects, where the right of way plans become congested, prepare the right of way and ownership table of the parcels showing area, ownership, land description, and purpose.
  - e. Area of the taking - The area of each parcel will be shown on the right of way plans. This will be shown in acres and (square feet) as obtained from the corresponding right of way plat. (0.01 ac) (220 sq ft)
  - f. Permanent easements and easements
  - g. Labeling of the boundary lines, etc. This description may include but is not limited to the following:
    - i) Reservation boundaries
    - ii) City limits
    - iii) Property lines
    - iv) State lines
    - v) County lines
    - vi) Section lines
    - vii) 1/4 lines
    - viii) 1/16 lines
    - ix) 1/64 lines
    - x) 1/256 lines
    - xi) Lot lines
    - xii) Riparian lines
  - h. Alignment and stationing
  - i. Project limits

BEGIN PROJECT  
Station

END PROJECT  
Station

- j. Control of access - This is a property right acquired from the landowner restricting the approaches or access to the proposed highway. Access points are limited or controlled by the SDDOT. Specific access points to the proposed highway are designed into the project to provide reasonable and safe access to the highway.



Generally, controlled access highways will be Interstate highways or primary highways with divided lanes. Control of access is normally set on the right of way line. When service roads are included in the project the control of access line is between the mainline and service road or as represented on the construction plans where the control of access was obtained.

- k. Cut Fill limits.
- l. The following examples illustrate various Right of Way plan sheets and combination Right of Way/Construction plan sheets.

([Figure 9-12](#) Right of Way Plan Title Sheet)

([Figure 9-13](#) Right of Way Plan Sheet Guide)

([Figure 9-14](#) Right of Way Plan Table)

([Figure 9-15](#) Right of Way Plan Sheet Utilizing Right of Way Plan Table)

([Figure 9-16](#) Combination Construction and Right of Way Plan Sheet)

### **Final Construction Plans (3069)**

The construction plans drafter is responsible for including all the required right of way information on the construction plan sheets.

Road Design right of way personnel will check for the following items on the construction plans:

- a. Landowners - Show the name of each landowner whose property lies adjacent to the project and is affected by either the taking of permanent right of way, temporary easement, control of access and/or fencing easements.
- b. Land by parcel number - Number each parcel throughout the project in accordance with the corresponding parcel numbers shown on the right of way plats and plans.
- c. Section-Township-Range - The appropriate section, township, and range numbers will be shown on the construction plans.
- d. All subdivisions, blocks, lots, outlots, additions, town or city name, etc.
- e. Right of way dimensions - The existing right of way and the new right of way will be dimensioned at all break points and section line and quarter line crossing the right of way line.
- f. Boundary lines etc. This description may include, but is not limited to the following:
  - i) Reservation Boundaries
  - ii) City limits
  - iii) Property lines
  - iv) State lines
  - v) County lines
  - vi) Section lines



- vii) 1/4 lines
- viii) 1/16 lines
- ix) 1/64 lines
- x) 1/256 lines
- xi) Lot lines
- xii) Riparian lines

### **Right of Way QC/QA Reviews (3083, 3344)**

All projects prior to being released to the Office of Right of Way for acquisition, will be reviewed for quality, accuracy of information and conformance to standards. The level of review will be dependent on the size and complexity, as well as types of acquisition and type and number of documents created.

All QC/QA reviews will be coordinated with the Office of Road Design for level of review.

- a. Projects with plans and plats developed by SDDOT staff (in-house project) – regardless of SDDOT or Consultant design – will be reviewed first by the Road Design Land Surveyor (RDLS). Plans and plats will be reviewed and revised to the satisfaction of the RDLS prior to being submitted for a Final ROW Review or being released to the Office of Right of Way for acquisition.
- b. Projects designed by a consultant and with plans and plats developed by the consultant (consultant developed project) – It is expected that the Consultant's Registered Land Surveyor will perform a QC/QA review of the plans and plats prior to being submitted to SDDOT for Final ROW Review.
- c. A Final ROW Review is a second formal review performed by an independent Registered Land Surveyor not associated with the project. The reviewer may be a consultant registered land surveyor under work order to perform these services, or a registered land surveyor within the SDDOT. Plans and plats will be reviewed and revised to the satisfaction of the RDLS (in-house project) or the Consultant's Registered Land Surveyor (consultant developed project) prior to being released to the Office of Right of Way for acquisition.

### **Set Corner Report and Plans**

Set corner reports and set corner plans are generally prepared by personnel within the Office of Road Design under the direction of the Road Design Land Surveyor (RDLS). Set corner reports and set corner plans may also be prepared by SDDOT Region personnel under the direction of the Region Land Surveyor (RLS) or by private consulting firms under the direction of their Registered Land Surveyor.



Prior to releasing projects for Final DOT/FHWA review the assigned Designer will request the number of Public Lands Survey System (PLSS) monuments, right of way (ROW) monuments and property corner monuments to be set, reestablished or verified along the project from the appropriate Land Surveyor (RDLS, RLS or Consultant Land Surveyor). The assigned Right of Way CAD Technician will be responsible for the preparation of the set corner report and set corner plan sheets.

Set corner reports and set corner plans should be prepared as outlined in the Road Design CADD Manual ([Chapter C – Right of Way](#)) and as shown on the Set Corner Plan Sheet [Figure 9-17](#).

- a. PLSS monuments will be set, reestablished or verified at the following locations:
  - i) Section corner locations
  - ii) Quarter section corner locations
  - iii) Minor aliquot subdivision corner locations (1/16<sup>th</sup>, 1/64<sup>th</sup>, interior 1/4, etc.) found during the land tie phase of the project
- b. Right of way monuments will be set, reestablished or verified at the following locations:
  - i) Intersection of statutory section line right of way lines with SDDOT highway right of way line.
  - ii) Intersection of quarter lines with SDDOT highway right of way line.
  - iii) Points of curvature (PC), points of tangent (PT) and angle points (AP) along the SDDOT highway right of way line.
  - iv) Block, Addition and Subdivision corner locations.
- c. Property corner monuments will be set, reestablished or verified at the following locations:
  - i) The exterior boundary of platted Permanent Easements.
  - ii) The exterior boundary of platted SDDOT property (Excess property, Abandonment, Transfer, etc.).
  - iii) In areas of the project where no new right of way has been obtained - all property corner monuments found along the existing right of way line (during the land tie phase of the project) will be relocated to verify they have not been disturbed or obliterated during construction activities.
  - iv) In areas of the project where new right of way has been obtained - all property corner monuments found along the existing right of way line (during the land tie phase of the project) will be reestablished on the new right of way line at the intersection of the property line and the new SDDOT highway right of way line.

The set corner report and set corner plans must be reviewed and revised to the satisfaction of the RDLS, RLS or Consultant's Registered Land Surveyor before



releasing the number of PLSS monuments, ROW monuments and property corner monuments to be set, reestablished or verified along the project to the assigned Designer to be included in the **PUBLIC LANDS SURVEY SYSTEM, RIGHT OF WAY AND PROPERTY CORNERS** note within the Section B plan notes. The final set corner report and set corner plans will be saved in the project staking folder to be included in the bid letting package.

### **Information for Construction Personnel**

It is important to understand that when any activity takes place beyond the limits of temporary easements or right of way obtained through right of way acquisition without additional permission from the landowners, is trespassing and is a violation of the law. In areas where the property rights are settled through the courts, additional easements may have to be obtained in the same manner and must be secured before entering the land. In property acquisition obtained through court action, the Office of Legal Counsel must be contacted in order to determine how to proceed if additional easements are necessary for the construction of the project. This is due in part because no agreement has been made to provide the method of payment using the standard temporary easement agreement. Where no agreement covers the legal description of a necessary easement although there may be an agreement with that landowner for other parcels contacting the owner is paramount. If an agreement is reached with a landowner in a court settled case or where agreement existed which allows for payment for the additional easement, please supply a copy of the agreement with the measurements so the Right of Way Program may make payment.

All temporary easements shown on the plans are paid for at the time of right of way acquisition as shown on the Temporary Easement Agreement. If there is no Temporary Easement Agreement, no easement can be taken without obtaining written permission from the landowner, preferably through the creation of a temporary easement agreement. On projects where the agreements show an area of temporary easement included in the payment, the Right of Way Program needs a list of the area of temporary easements used which is in excess of the area already paid. Added areas of easements could occur because of plan changes after acquisition, or because of a change made in the field during construction. No substantial change in easements should be made without landowner concurrence.



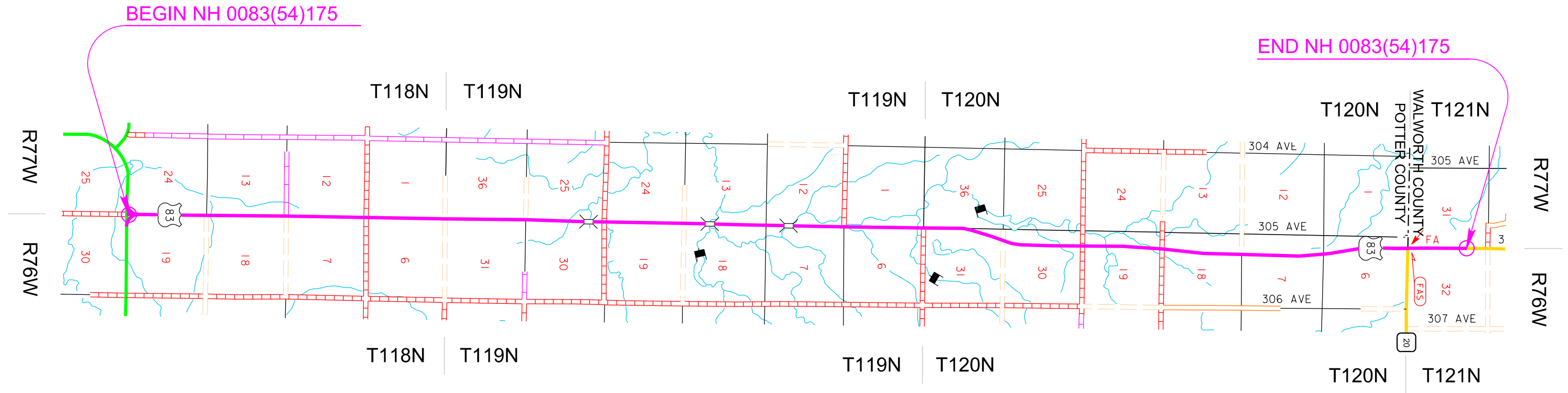


Figure 9-2 Strip Map

PROJECT NH 0083(54)175  
US HIGHWAY 83  
POTTER COUNTY  
PCN 4793



The Information shown on this example is for the purpose of illustrating what needs to be shown on a plat and its general location on the plat.  
GUIDE NOTE: Items 20, 25 & 26 do not apply to this example plat, but may be needed on other plats.

1. Parcel

2. Heading

3. Property Description

4. County

5. Project

6. Scale

7. Legend

8. North Arrow

9. Corner Description

10. Corner Coordinates
11. Corner Tie

12. Section Line Label

13. Existing R.O.W. Dimension

14. Aliquot Part of a Section

15. Lot, Block, Subdivision, Addition, Outlot, Tract

16. Existing R.O.W. (hatched)

17. Proposed R.O.W. (shaded)

18. Dimension Table

19. Acreage Note
20. Section Number

21. Dimension Label

22. 1/16 Line Label

23. Present Highway

24. Property Line Label

25. City

26. Street

27. 1/4 Line Label

28. Datum Note

29. Revised Date
30. Drawn By:      Date:

31. Checked By:    Date:

32. Project Control Number

33. File Name

34. Inset

35. Inset Acreage Note Label

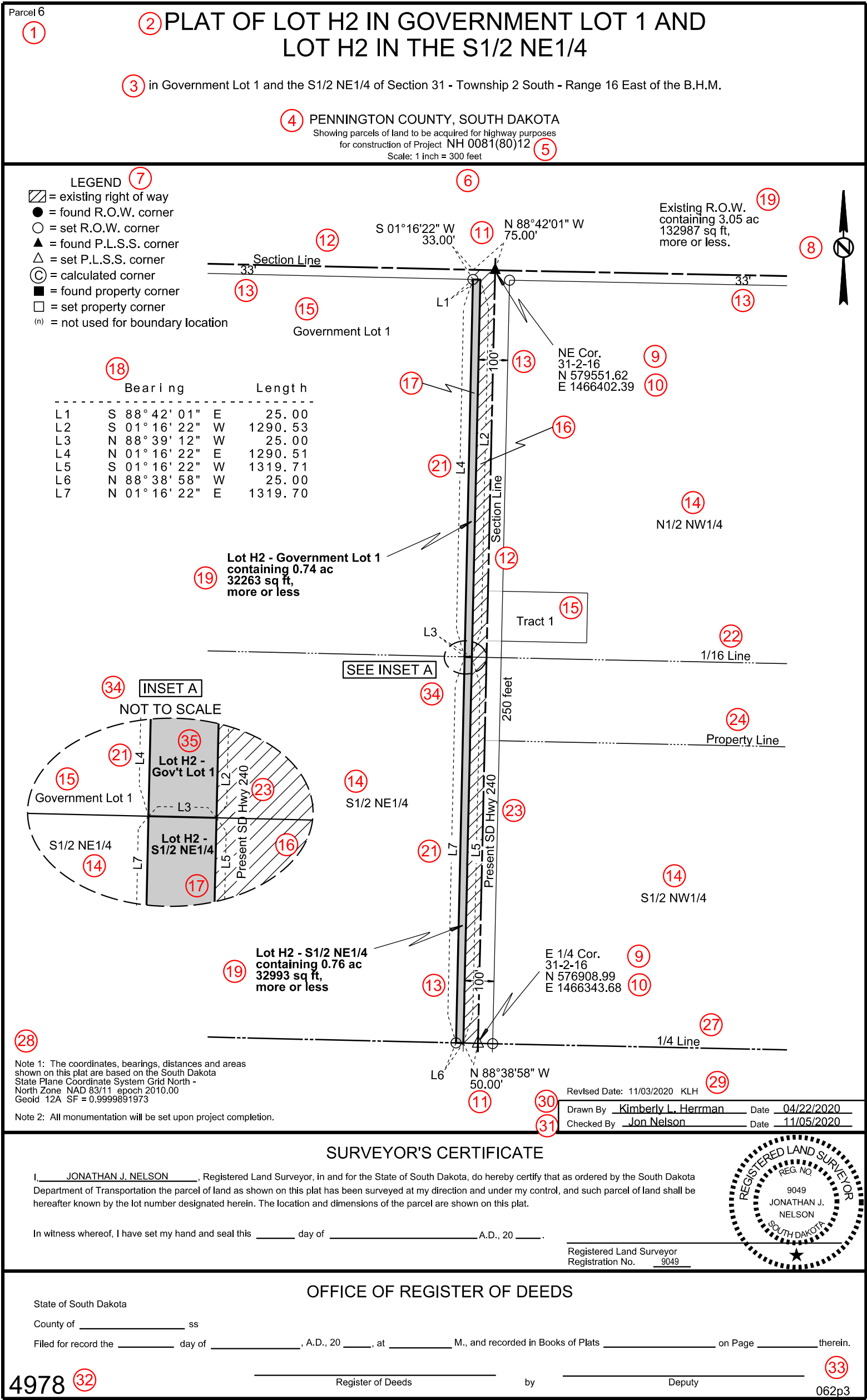


Figure 9-3 Plat Guide



## EXHIBIT A

in that part of the NE1/4 NE1/4 of Section 11 - Township 4 North - Range 31 East of the B.H.M.,  
lying west of SD Highway 1806

## STANLEY COUNTY, SOUTH DAKOTA

Showing permanent easements to be acquired for highway purposes

Not to Scale

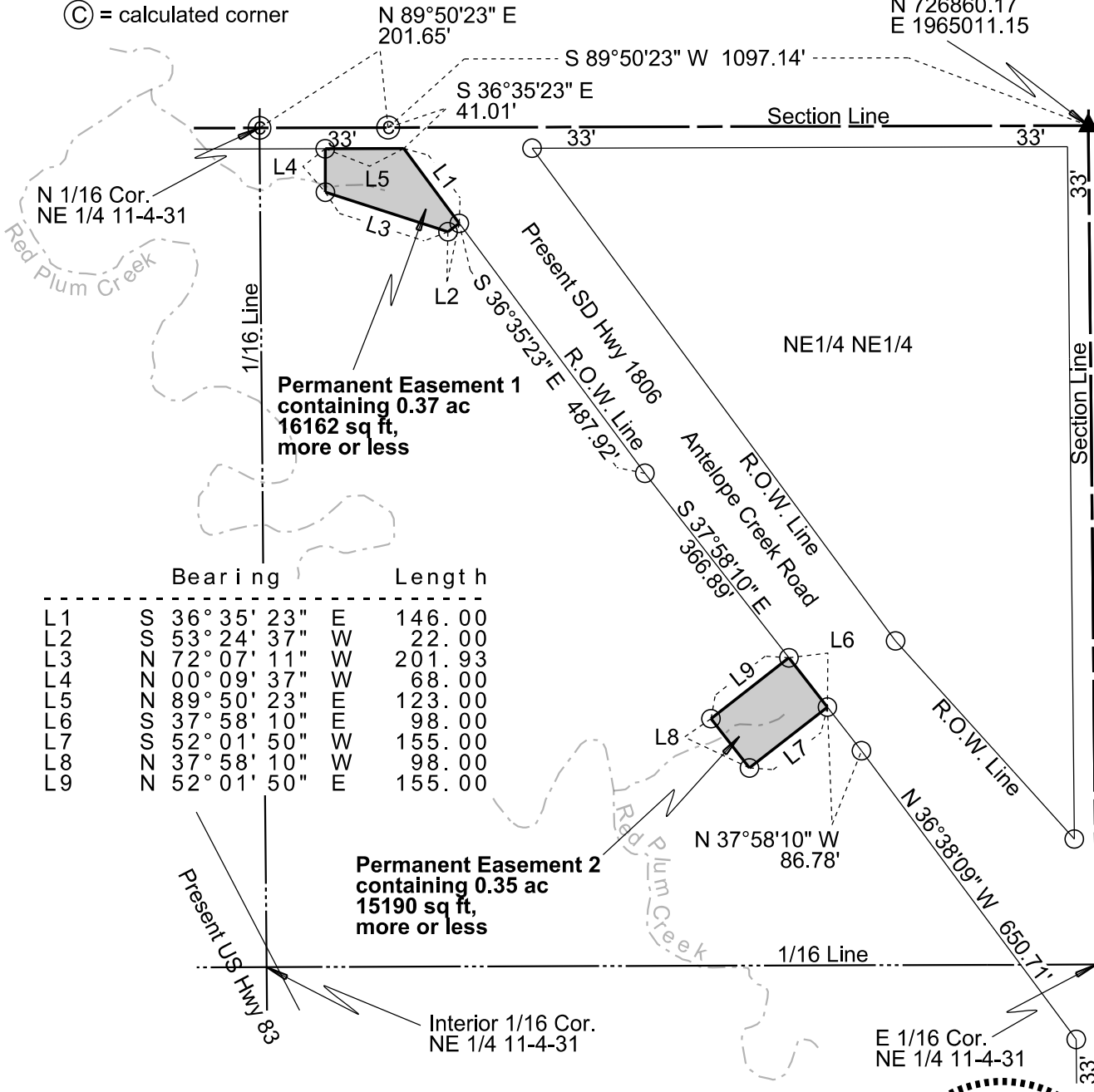
## LEGEND

▲ = found P.L.S.S. corner

○ = set R.O.W. corner

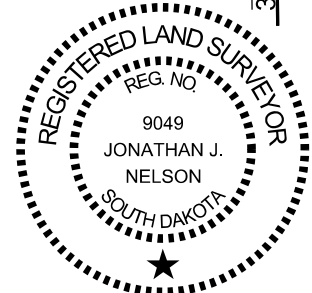
⊙ = calculated corner

NE Cor.  
11-4-31  
N 726860.17  
E 1965011.15



Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone NAD 83(CONUS) epoch 2002.00 Geoid 03 SF = 0.9999030709

Note 2: All monumentation will be set upon project completion.



045K

P 1806(15)177

Drawn By Kimberly L. Herrman Date 11/03/2020

Checked By Jon Nelson Date 11/05/2020

025e

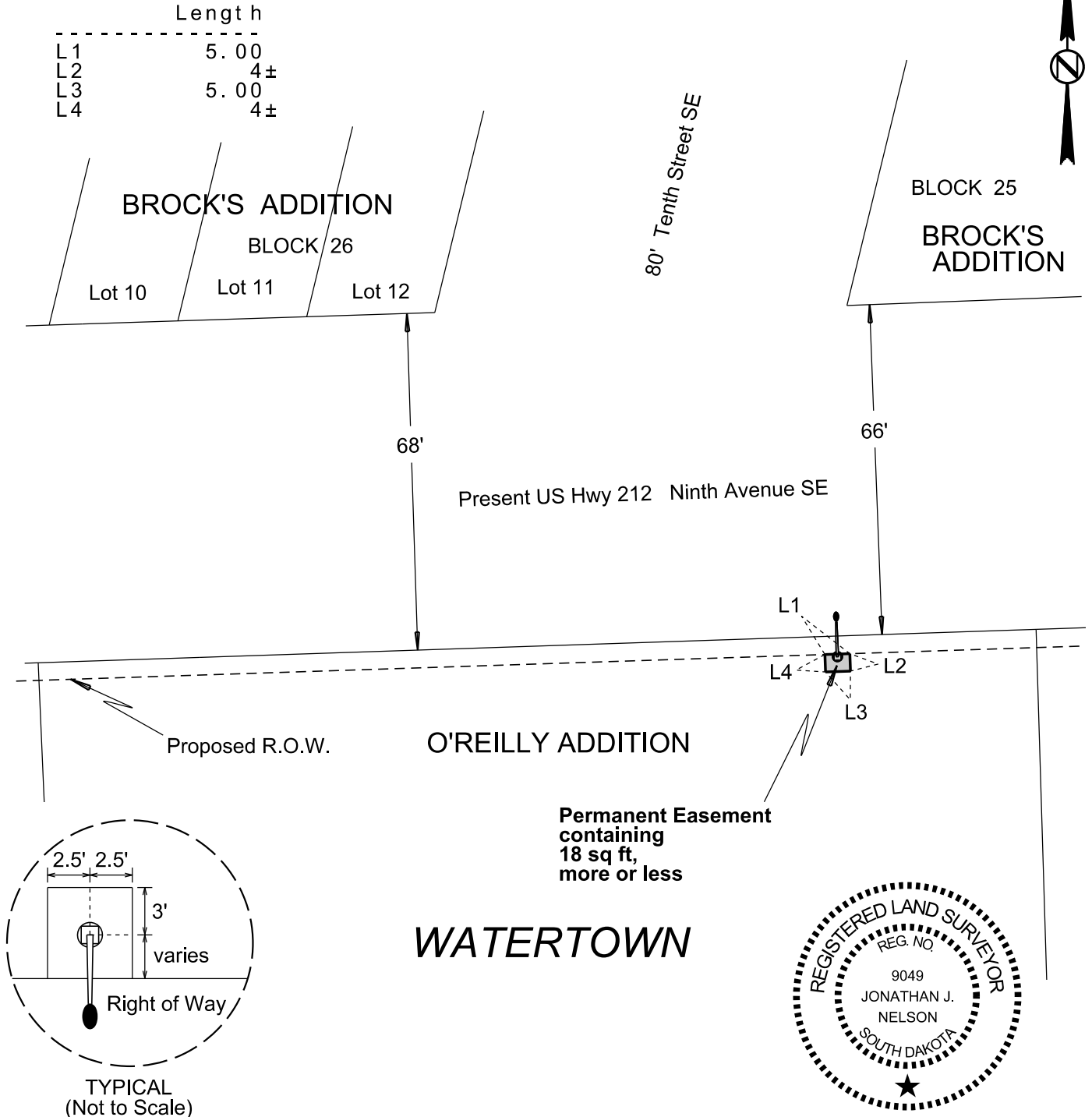
Figure 9-4 Permanent Easement Exhibit



# EXHIBIT A

in O'Reilly Addition to Watertown  
CODINGTON COUNTY, SOUTH DAKOTA

Showing a permanent easement to be acquired for luminaire pole  
Not to Scale



027D

NH 0212(174)377

Drawn By Kimberly L. Herrman Date 11/03/2020  
Checked By Jon Nelson Date 11/05/2020

083e

Figure 9-5 Permanent Easement Exhibit Tied to a Feature

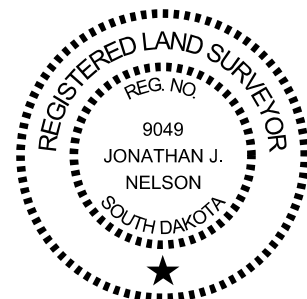
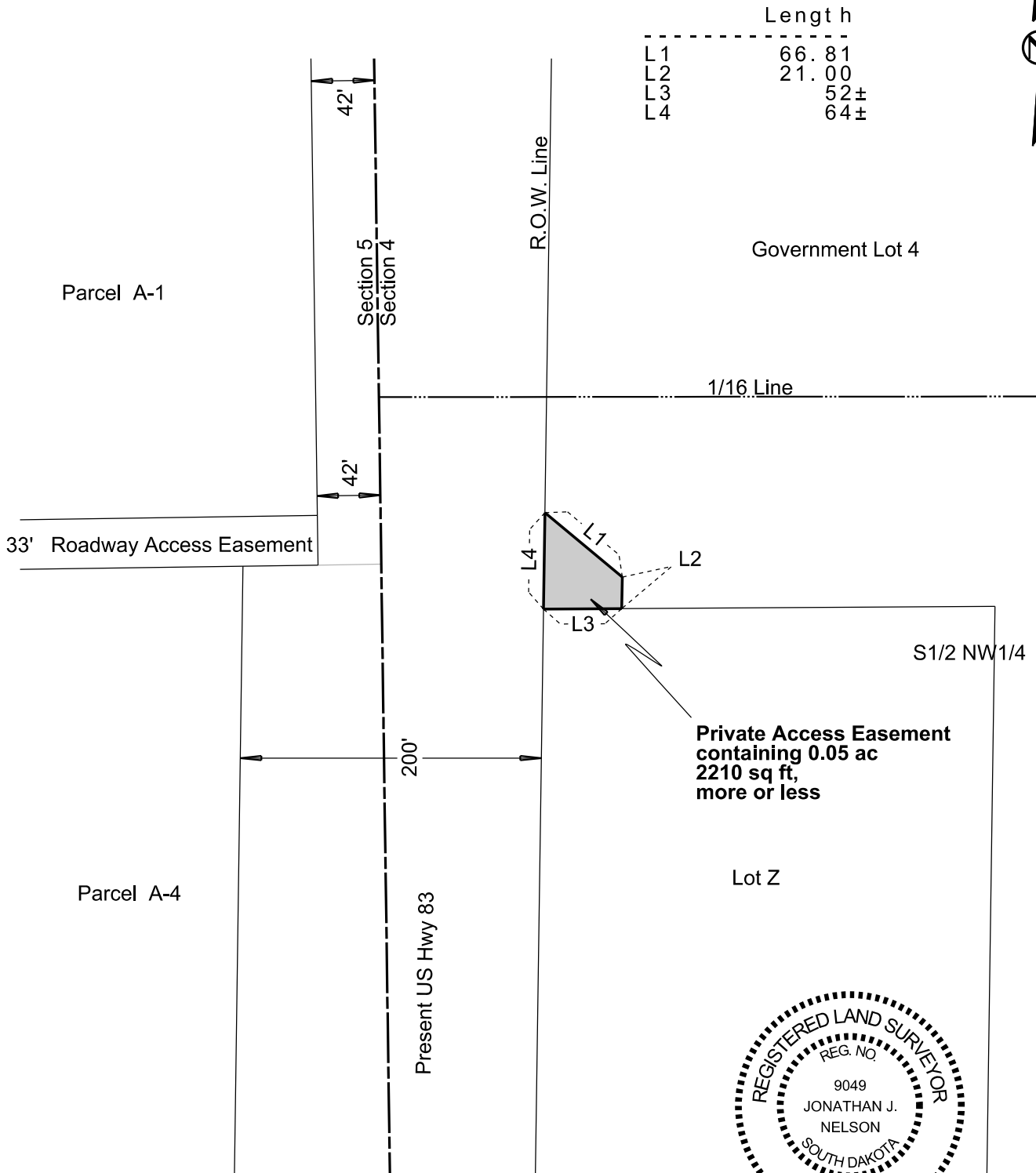


# EXHIBIT A

in the S1/2 NW1/4 of Section 4 - Township 38 North - Range 28 West of the 6th P.M., except Lot Z

TODD COUNTY, SOUTH DAKOTA

Showing a permanent easement to be acquired for private access  
Not to Scale



039J

Drawn By Kimberly L. Herrman Date 11/03/2020  
Checked By Jon Nelson Date 11/06/2020

031e

Figure 9-6 Permanent Easement Exhibit for Private Access



PLAT OF LOT A

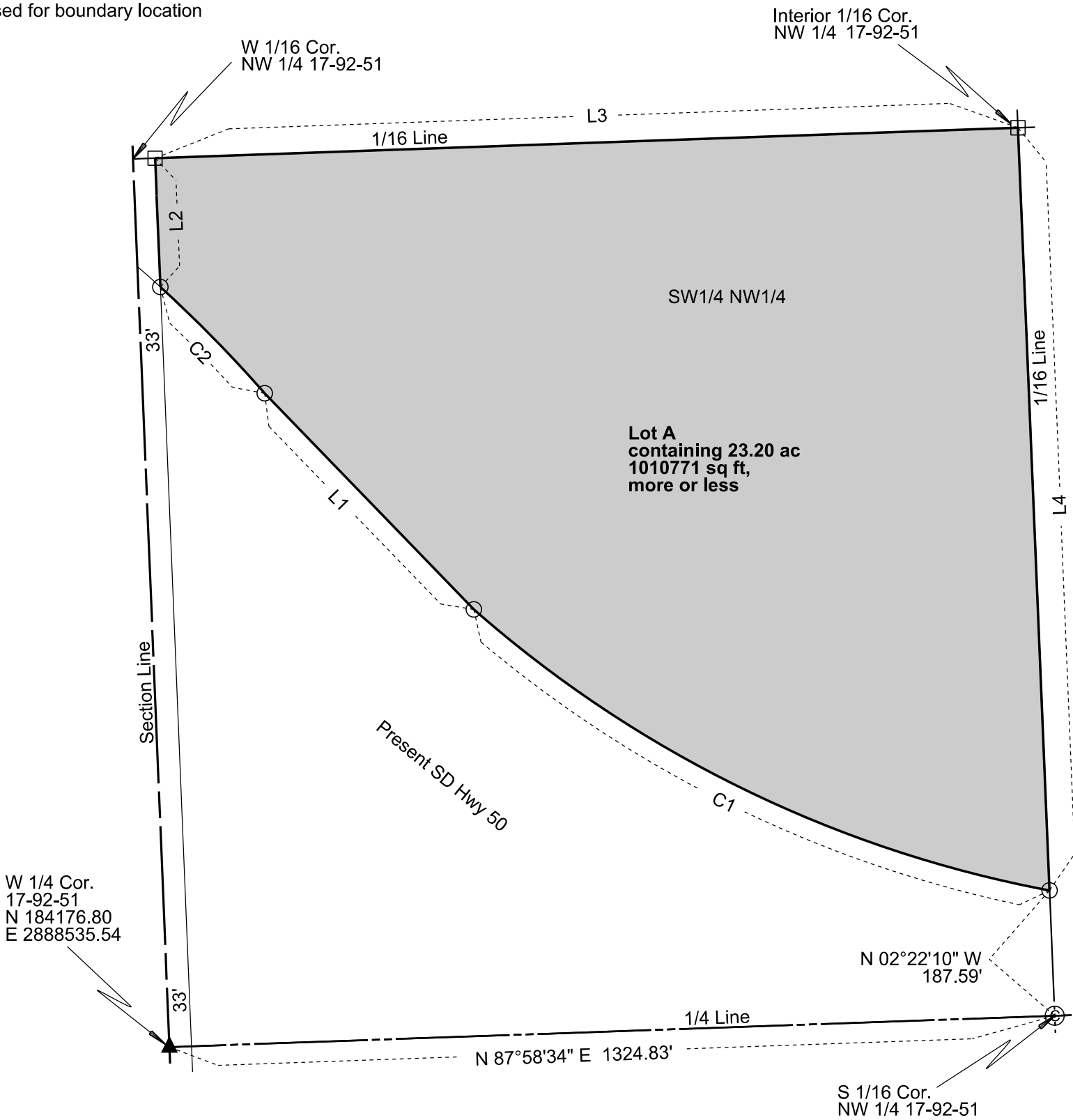
in the SW1/4 NW1/4 of Section 17 - Township 92 North - Range 51 West of the 5th P.M.

CLAY COUNTY, SOUTH DAKOTA

Showing a parcel of land  
Scale: 1 inch = 200 feet

- LEGEND
- = existing right of way
  - = found R.O.W. corner
  - = set R.O.W. corner
  - = found P.L.S. corner
  - = set P.L.S. corner
  - = calculated corner
  - = found property corner
  - = set property corner
  - (n) = not used for boundary location

	Bearing		Length	Chord	Radius
C1	N	63° 59' 21"	W 969.64	958.08	1809.86R
L1	N	44° 03' 12"	W 449.62		
C2	N	44° 30' 31"	W 222.81	222.70	2009.86L
L2	N	02° 20' 48"	W 192.75		
L3	N	87° 59' 01"	E 1291.30		
L4	S	02° 22' 10"	E 1141.11		



Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - North Zone NAD 83/07 epoch 2002.00 Geoid 09 SF = 0.99988754

Note 2: All monumentation will be set upon project completion.

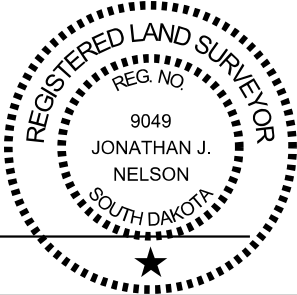
Drawn By Kimberly L. Herrman Date 11/03/2020  
Checked By Jon Nelson Date 11/05/2020

SURVEYOR'S CERTIFICATE

I, JONATHAN J. NELSON, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota Department of Transportation the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_.

Registered Land Surveyor  
Registration No. 9049



OFFICE OF REGISTER OF DEEDS

State of South Dakota

County of \_\_\_\_\_ ss

Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_, at \_\_\_\_\_ M., and recorded in Books of Plats \_\_\_\_\_ on Page \_\_\_\_\_ therein.

M022

Register of Deeds

by

Deputy

Figure 9-7 Property Plat



PLAT OF LOT PE1

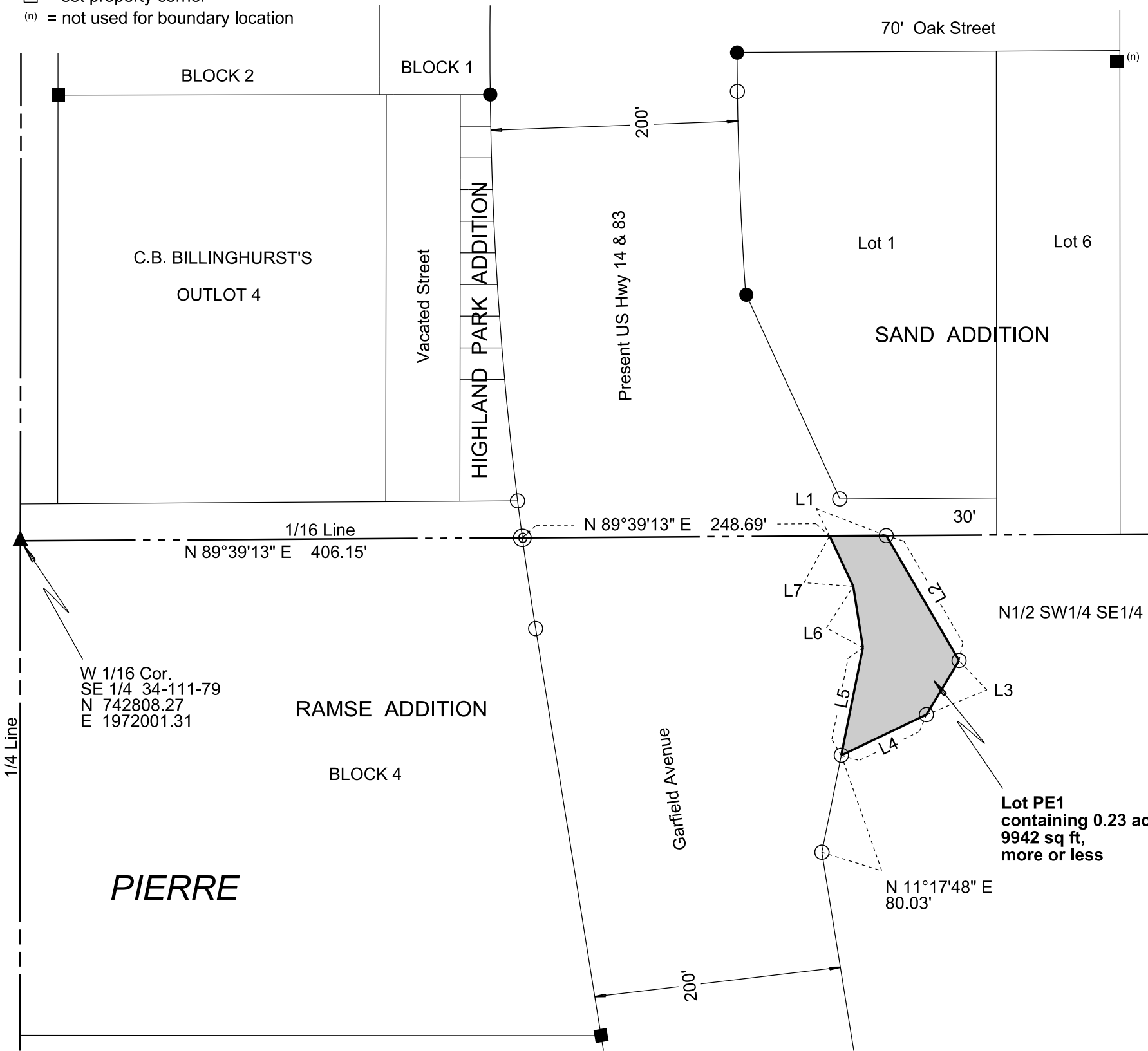
Amending the Original Plat of Lot PE1 as Recorded in  
Book of Plats 8 - Page 19 - Dated February 16, 2012

in the N1/2 SW1/4 SE1/4 of Section 34 - Township 111 North - Range 79 West of the 5th P.M., lying east of U.S. Highway 83

HUGHES COUNTY, SOUTH DAKOTA  
Showing a parcel of land to be acquired for highway purposes  
for construction of Project NH 014B(05)232  
Scale: 1 inch = 100 feet

- LEGEND
- = existing right of way
  - = found R.O.W. corner
  - = set R.O.W. corner
  - = found P.L.S. corner
  - = set P.L.S. corner
  - = calculated corner
  - = found property corner
  - = set property corner
  - (n) = not used for boundary location

	Bearing			Length
L1	N	89° 39' 13"	E	45.79
L2	S	30° 13' 23"	E	117.03
L3	S	31° 05' 45"	W	51.09
L4	S	64° 27' 11"	W	76.36
L5	N	11° 17' 48"	E	88.98
L6	N	08° 54' 46"	W	50.00
L7	N	25° 03' 20"	W	45.11



Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone ITRF to NAD 83/96 epoch 2002.00 Geoid 03 SF = 0.99991882

Note 2: All monumentation will be set upon project completion.

Drawn By Kimberly L. Herrman Date 11/03/2020  
Checked By Jon Nelson Date 11/05/2020

SURVEYOR'S CERTIFICATE

I, JONATHAN J. NELSON, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota Department of Transportation the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such parcel of land shall be hereafter known by the lot number designated herein. The location and dimensions of the parcel are shown on this plat.

In witness whereof, I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_.

Registered Land Surveyor  
Registration No. 9049



OFFICE OF REGISTER OF DEEDS

State of South Dakota

County of \_\_\_\_\_ ss

Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, at \_\_\_\_\_ M., and recorded in Books of Plats \_\_\_\_\_ on Page \_\_\_\_\_ therein.

03J5

Register of Deeds

by

Deputy

001p1a

Figure 9-8 Amendment Plat



STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

DATA FOR ACQUISITION OF RIGHT OF WAY ACROSS INDIAN TRUST LANDS FOR  
CONSTRUCTION OF PROJECT NH-PH 0018(177)104 IN OGLALA LAKOTA COUNTY.

OFFICE OF REGISTER OF DEEDS

State of South Dakota

County of \_\_\_\_\_ ss

Filed for record the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_, at \_\_\_\_\_ M., and recorded in

Book of Plats \_\_\_\_\_ on Page \_\_\_\_\_ therein.

Register of Deeds

by

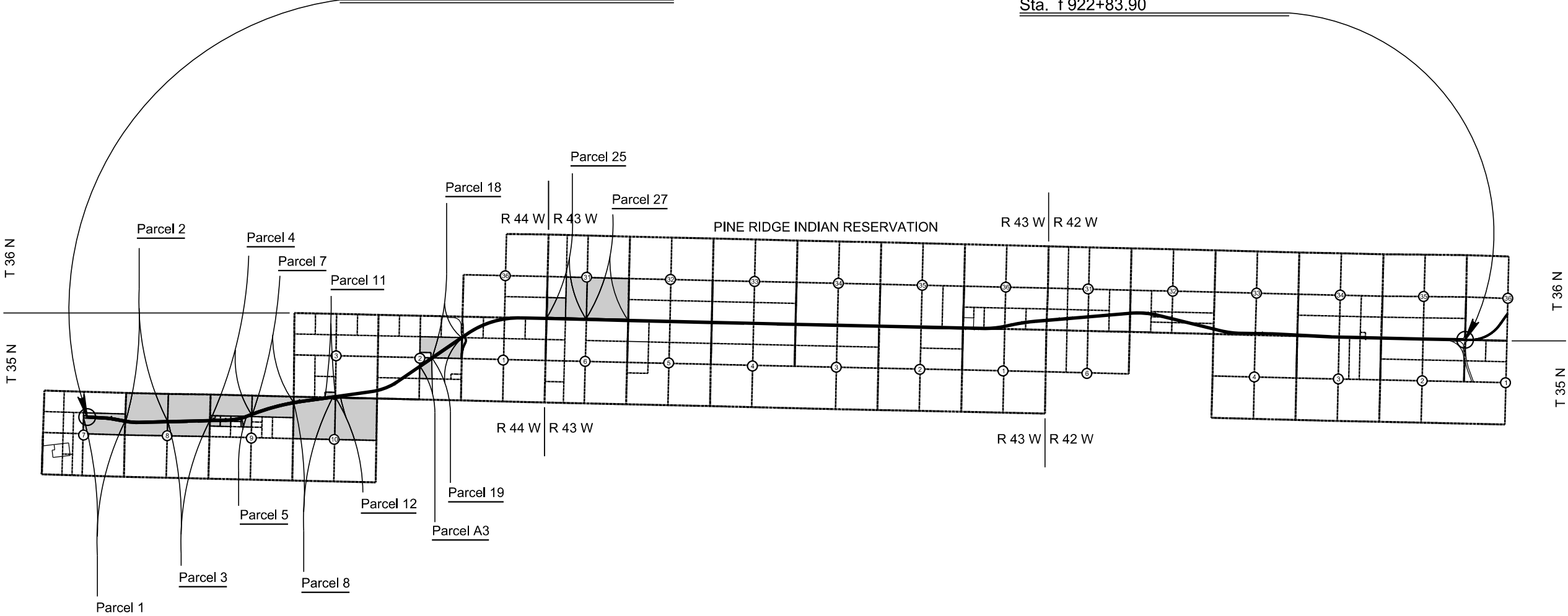
Deputy

BEGIN NH-PH 0018(177)104  
Sta. 36+00

END NH-PH 0018(177)104  
Sta. f 922+83.90

PROPOSED HIGHWAY  
TRUST PATENT LAND  
FEE PATENT LAND

- INDEX OF SHEETS
- Sheet No. 1 - Title Sheet
  - Sheet No. 2 - Parcel 1
  - Sheet No. 3 - Parcel 2
  - Sheet No. 4 - Parcel 3
  - Sheet No. 5 - Parcel 4
  - Sheet No. 6 - Parcel 5
  - Sheet No. 7 - Parcel 7
  - Sheet No. 8 - Parcel 8
  - Sheet No. 9 - Parcel 11
  - Sheet No. 10 - Parcel 12
  - Sheet No. 11 - Parcel A3
  - Sheet No. 12 - Parcel 18
  - Sheet No. 13 - Parcel 19
  - Sheet No. 14 - Parcel 25
  - Sheet No. 15 - Parcel 27



Sheet 1 of 15 Sheets

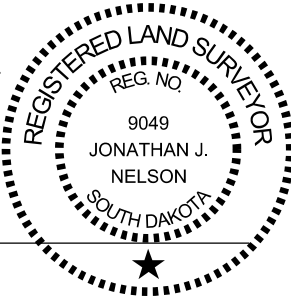
Drawn By Kimberly L. Herrman Date 11/03/2020  
Checked By Jon Nelson Date 11/06/2020

SURVEYOR'S CERTIFICATE

I, JONATHAN J. NELSON, REGISTERED LAND SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AS ORDERED BY THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, THE PARCELS OF LAND AS SHOWN ON THESE PLATS HAVE BEEN SURVEYED AT MY DIRECTION AND UNDER MY CONTROL. AND SUCH PARCELS OF LAND SHALL BE HEREINAFTER KNOWN BY THE LOT NUMBERS DESIGNATED HEREIN. THE LOCATION AND DIMENSIONS OF THE PARCELS ARE SHOWN ON THE PLATS.

IN WITNESS WHEREOF,  
I HAVE SET MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_\_.

REGISTERED LAND SURVEYOR  
REGISTRATION NO. 9049



SDDOT DIVISION DIRECTOR OF PLANNING AND ENGINEERING CERTIFICATE

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT I AM THE DIVISION DIRECTOR OF PLANNING AND ENGINEERING OF THE STATE OF SOUTH DAKOTA, THAT \_\_\_\_\_, WHO SUBSCRIBED THE ACCOMPANYING SURVEYOR'S CERTIFICATE IS A REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, THAT THE SURVEY OF THE DESIGNATED HIGHWAY, AS ACCURATELY REPRESENTED ON THIS MAP, WAS UNDER THE AUTHORITY OF THE DEPARTMENT. THAT THE DEPARTMENT IS DULY AUTHORIZED BY LAW TO CONSTRUCT THE DESIGNED HIGHWAY UPON THE LOCATION SHOWN UPON THIS MAP AND THE RIGHTS OF WAY HEREIN DESCRIBED ARE DESIRED FOR HIGHWAY PURPOSES.

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_\_.

NOTARY PUBLIC

MY COMMISSION EXPIRES

DIVISION DIRECTOR OF PLANNING AND ENGINEERING

Figure 9-9 Trust Land Portfolio



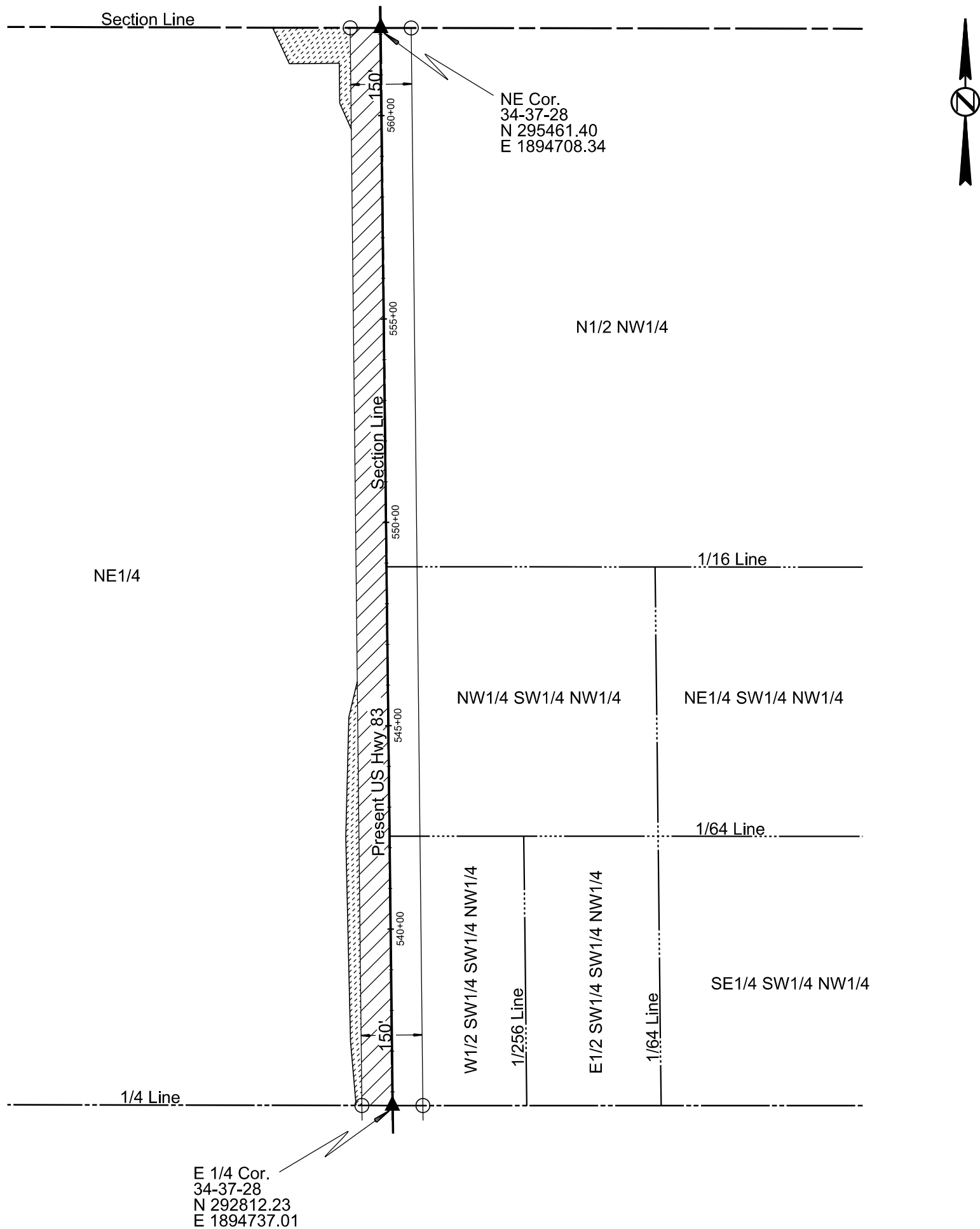
Bearing					Length	Bearing					Length		
L1	N	01°	28'	55"	W	25.00	L8	N	01°	27'	24"	W	15.00
L2	N	88°	32'	36"	E	1935.52	L9	S	88°	32'	36"	W	625.00
L3	S	01°	32'	41"	W	25.03	L10	S	01°	27'	24"	E	15.00
L4	S	88°	32'	36"	W	1934.20	L11	S	88°	32'	36"	W	1269.30
L5	S	01°	32'	41"	W	100.14	L12	N	01°	31'	29"	E	25.03
L6	S	01°	32'	41"	W	25.03	L13	N	88°	32'	36"	E	2666.95
L7	S	88°	32'	36"	W	772.64							



Figure 9-10 Trust Land Plat



Parcel A33 - Temporary Easement  
The NE1/4 of Section 34 - Township 37 North - Range 28 West of the 6th P.M.  
Landowners of Allotment 3567



FROM	TO	SIDE	ACRES	PURPOSE	LOCATION
535+67.29	546+10	L	0.6	Temporary Easement	NE1/4 Sec. 34-T37N-R28W
559+67	562+19.13	L	0.4	Temporary Easement	NE1/4 Sec. 34-T37N-R28W

- LEGEND
- = existing right of way
  - = temporary construction easement
  - = found R.O.W. corner
  - = set R.O.W. corner
  - = found P.L.S.S. corner
  - = set P.L.S.S. corner
  - = calculated corner
  - = found property corner
  - = set property corner
  - (n) = not used for boundary location

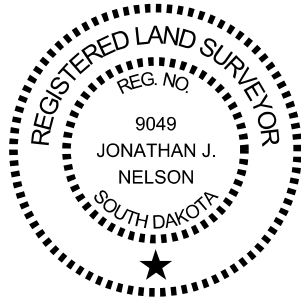
03B2

535p

Note 1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone NAD 83/11 epoch 2010.00 Geoid 12A SF = 0.999989887

Note 2: All monumentation will be set upon project completion.

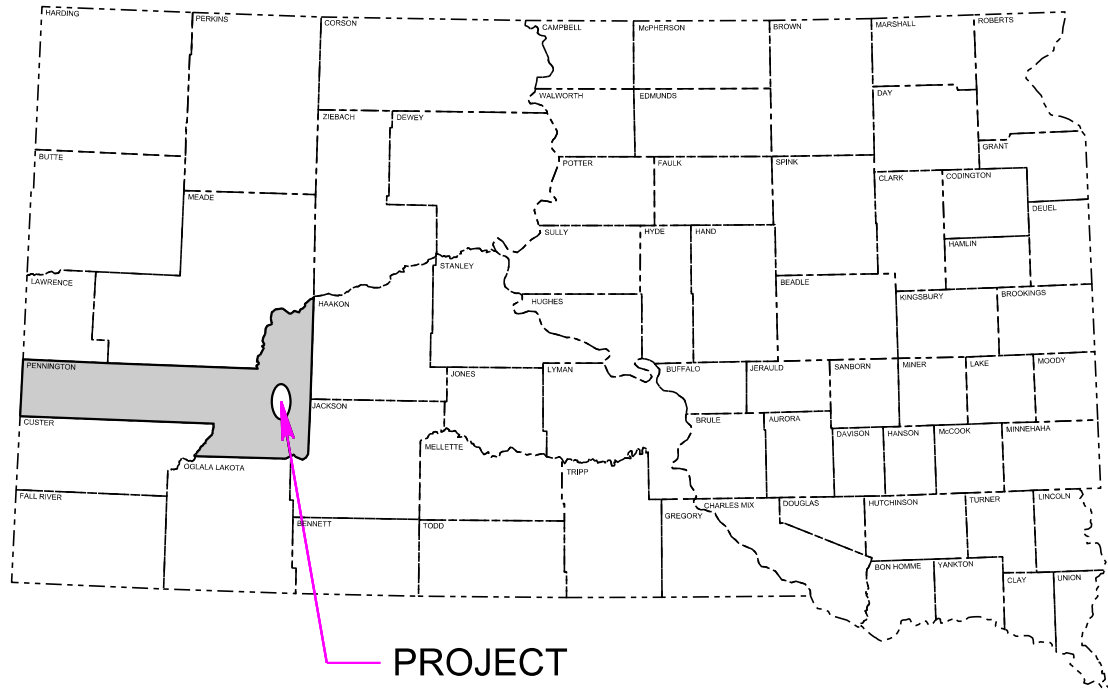
Drawn By Kimberly L. Herrman Date 11/05/2020  
Checked By Jon Nelson Date 11/06/2020



SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION  
TEMPORARY CONSTRUCTION EASEMENT  
PROJECT PH 0083(70)0  
TODD COUNTY  
Scale: 1 inch = 300 feet  
Sheet 10 of 11 Sheets

Figure 9-11 Trust Land Temporary Easement Plat





PROJECT

STATE OF SOUTH DAKOTA  
DEPARTMENT OF TRANSPORTATION  
PLANS FOR PROPOSED

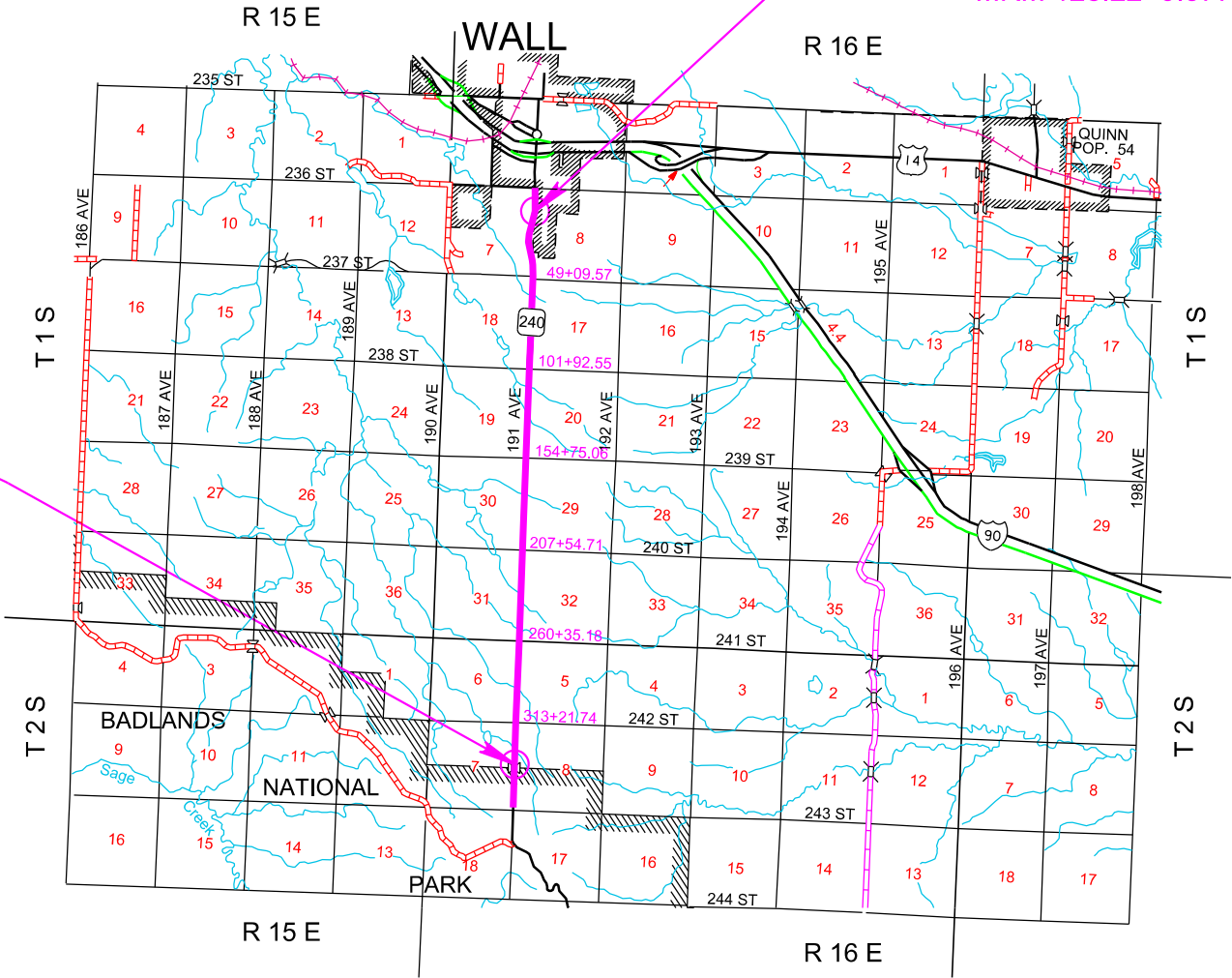
PROJECT P-PH 0240(12)128  
SD HIGHWAY 240  
PENNINGTON COUNTY

ROW PLANS  
PCN 038D

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	P-PH 0240(12)128	1	15
Plotting Date: 11/06/2020 Flown Date: FSA 2018 Photo Not to Scale			

BEGIN P-PH 0240(12)128  
Station 8+75.00 = Station 67+25.90 on F257(4)  
located 1327.30 feet South and 10.38 feet West of  
the Northeast corner of Section 7 - Township 1 South -  
Range 16 East of the B.H.M.  
MRM 128.22+0.077

END P-PH 0240(12)128  
Station 339+40.00 = Station 344+41.10 on F257(4)  
located 2618.25 feet North and 1.75 feet West of the  
Southeast corner of Section 7 - Township 2 South -  
Range 16 East of the B.H.M.  
MRM 134.44+0.092



LEGEND

STATE AND NATIONAL LINE	— — — — —
COUNTY LINE	=====
SECTION LINE	=====
QUARTER LINE	=====
SIXTEENTH LINE	=====
PROPERTY LINE	-----
CONSTRUCTION LINE	=====
EXISTING R.O.W. LINE	=====
PROPOSED R.O.W. LINE	=====
CUT AND FILL LIMITS	- - - - -

Gross Length 33065.00 Feet 6.262 Miles

Figure 9-12 Right of Way Plan Title Sheet



GUIDE NOTE: Items 20 & 34 do not apply to this example right of way plan sheet, but may be needed on other right of way plan sheets.



1. Project Number
2. Sheet Number
3. Flown Date
4. Revised Date
5. North Arrow
6. Horizontal Alignment  
with Stationing
7. Begin & End Notes /  
Equations
8. Present Highway &  
Intersecting Roads
9. Existing R.O.W. Dimension
10. Proposed R.O.W. Dimension
11. Curb & Gutter / Sidewalk /  
Edge of Shoulder
12. Entrances
13. Cut and Fill Limits
14. Section Line Label
15. 1/4 Line Label
16. 1/16 Line Label
17. Lot Line
18. Property Line Label
19. Section - Township - Range
20. City
21. Lot, Block, Subdivision,  
Addition, Outlot, Tract
22. Proposed Right of Way
23. Existing Control of Access
24. New Control of Access
25. Control of Access Note
26. Existing Right of Way  
Horizontal Alignment Station
27. Existing R.O.W. (hatched)
28. Temporary Easement (hatched)
29. Landowner with Property  
Description
30. Landowner with Information  
Only
31. Parcel Information  
ROW Taking  
Permanent Easement
32. Parcel Information  
Temporary Easement
33. Aliquot Part of a Section
34. Photo Legend (Mosaic only)

### Figure 9-13 Right of Way Plan Sheet Guide



RIGHT OF WAY PLAN TABLE

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	P-BRF 0385(14)115	4	21

Plotting Date: 04/01/2020

Parcel	Station to Station	Side	Type	Area	Owner	Description
	301+72.11 to 302+56	R	Temp	0.1 Ac 1023 Sq Ft	Brenda Bonnett	Lot 2 in Block G of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
45	Plat			146 Sq Ft	Brenda Bonnett	Lot PE1 - Lot 2 in Block G of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
46	Plat			0.2 Ac 821 Sq Ft	Bradley J. Pollard	Lot PE1 - Lot 1 in Block G of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
	303+30 to 303+75.02	R	Temp	0.1 Ac 705 Sq Ft	Bradley J. Pollard	Lot 1 in Block G of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M..
47	Plat			0.3 Ac 1206 Sq Ft	Norman Richard Goeringer	Lot PE1 - A part of Lot 1 of Bowman Subdivision of the Shekell & Estes Placer Claim No. 758 beginning at corner No. 1 which is identical with corner No. 6 of the Larson Lot, from which corner No. 13 of M.S. 758 bears S 86°38' W 295.38 feet; thence S 1°45' E 129.59 feet to corner No. 2 which is identical with corner No. 5 of the Larson Lot; thence S 76°22' E 9.00 feet to corner No. 3; thence N 87°58'; E 167.00 feet to corner No. 4; thence N 2°04' W 136.10 feet to corner No. 5; thence S 86°38' W 175.00 feet to corner No. 1, the place of beginning in Section 34 - Township 5 North - Range 3 East of the B.H.M.
48	Plat			0.5 Ac 2103 Sq Ft	Eugene L. Heisinger & Caruna L. Heisinger	Lot PE1 & Lot PE2 - Larson No.1, a part of Lot 1 of Bowman Subdivision Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
	307+08.99 to 307+30	R	Temp	0.1 Ac 311 Sq Ft	Eugene L. Heisinger & Caruna L. Heisinger	Larson No. 1, a part of Lot 1 of Bowman Subdivision of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
49	Plat			0.3 Ac 1201 Sq Ft	Eugene L. Heisinger & Caruna L. Heisinger	Lot H1 - Larson No. 1, a part of Lot 1 of Bowman Subdivision of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
	307+95 to 308+70.02	R	Temp	0.1 Ac 1093 Sq Ft	Eugene L. Heisinger & Caruna L. Heisinger	Larson No. 1, a part of Lot 1 of Bowman Subdivision of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
A19	310+02.51 to 311+20.67	L	Temp	0.1 Ac 2090 Sq Ft	Phillip Maynard & Olive Maynard	Lots 2 and 3 in Block B of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Bowman Subdivision of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
A20	311+17.90 to 311+66.83	L	Temp	0.1 Ac 1015 Sq Ft	Larry D. Stuefen & Jeanne E. Stuefen	Lot 1 in Block B of Bowman Subdivision, a portion of Lot 1 and all of Lot 2 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
A21	311+81.77 to 312+14.39	L	Temp	0.1 Ac 311 Sq Ft	Randall L. Havlik & Beverly B. Havlik	NE1/4 of Section 34 - Township 5 North - Range 3 East of the B.H.M.
50	Plat			0.9 Ac 40970 Sq Ft	John H. Essink Jr. & Penny D. Essink	Lot H1 - Lot 117 in Block H of Bowman Subdivision, a portion of Shekell & Estes Placer Claim No. 758, A Replat of Lots 1 through 17 in Block H of Bowman Subdivision in Section 34 - Township 5 North - Range 3 East of the B.H.M.
51	Plat			1.7 Ac 73136 Sq Ft	United States of America (Bureau of Land Management	Lot H1 - Government Lot 21 of Section 34 - Township 5 North - Range 3 East of the B.H.M.
52	Plat			0.5 Ac 20945 Sq Ft	Ronald A. Island & Robert C. Blue	Lot H1 - Sub-Lot B of Lot 3 of Bowman Subdivision of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
53	Plat			0.3 Ac 10945 Sq Ft	Leonard J. Brien & Lou Ann Brien	Lot H1 - Lot 4 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
	320+70 to 322+20	R	Temp	0.1 Ac 2159 Sq Ft	Leonard J. Brien & Lou Ann Brien	Lot 4 of Shekell & Estes Placer Claim No. 758 in Section 34 - Township 5 North - Range 3 East of the B.H.M.
54	Plat			0.2 Ac 962 Sq Ft	Ronald A. Island & Robert C. Blue	Lot H1 – Sublot B of Lot 6 of Bowman Subdivision of Shekell & Estes Placer Claim No. 758, except Mile-HI Tract in Section 34 - Township 5 North - Range 3 East of the B.H.M.
55	Plat			0.1 Ac 4825 Sq Ft	Berzel Ranch, Inc.	Lot H1 - Mile-HI Mobile Home Park Lot, being a portion of Sub-Lots A and C of Lot 3 of Bowman Subdivision of Lots 3 and 6 of Shekell & Estes Placer Claim No. 758 to Lead

Figure 9-14 Right of Way Plan Table



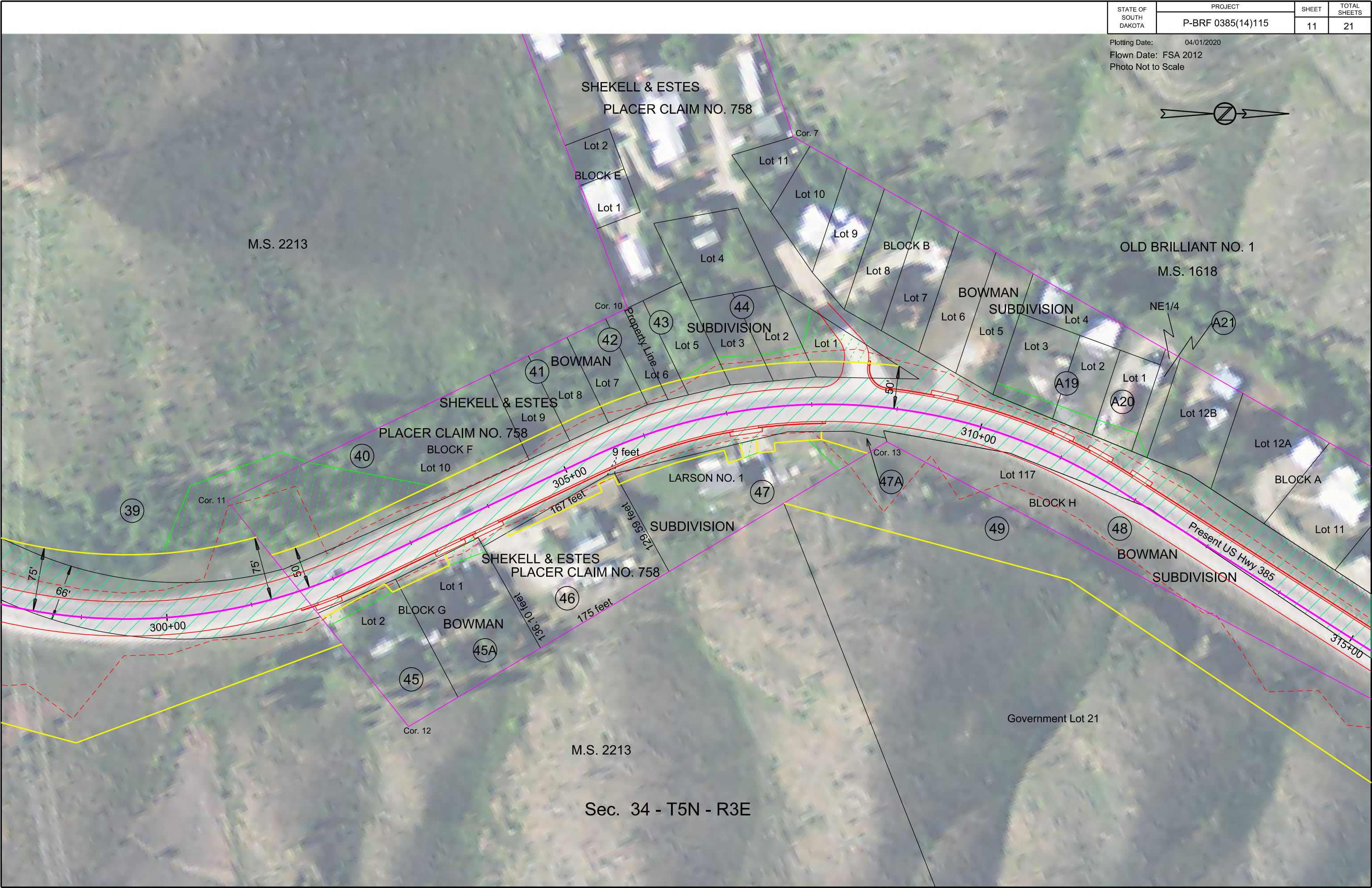


Figure 9-15 Right of Way Plan Sheet Utilizing Right of Way Plan Table



STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	BRF 0034(19)227	6	15

Plotting Date: 11/06/2020

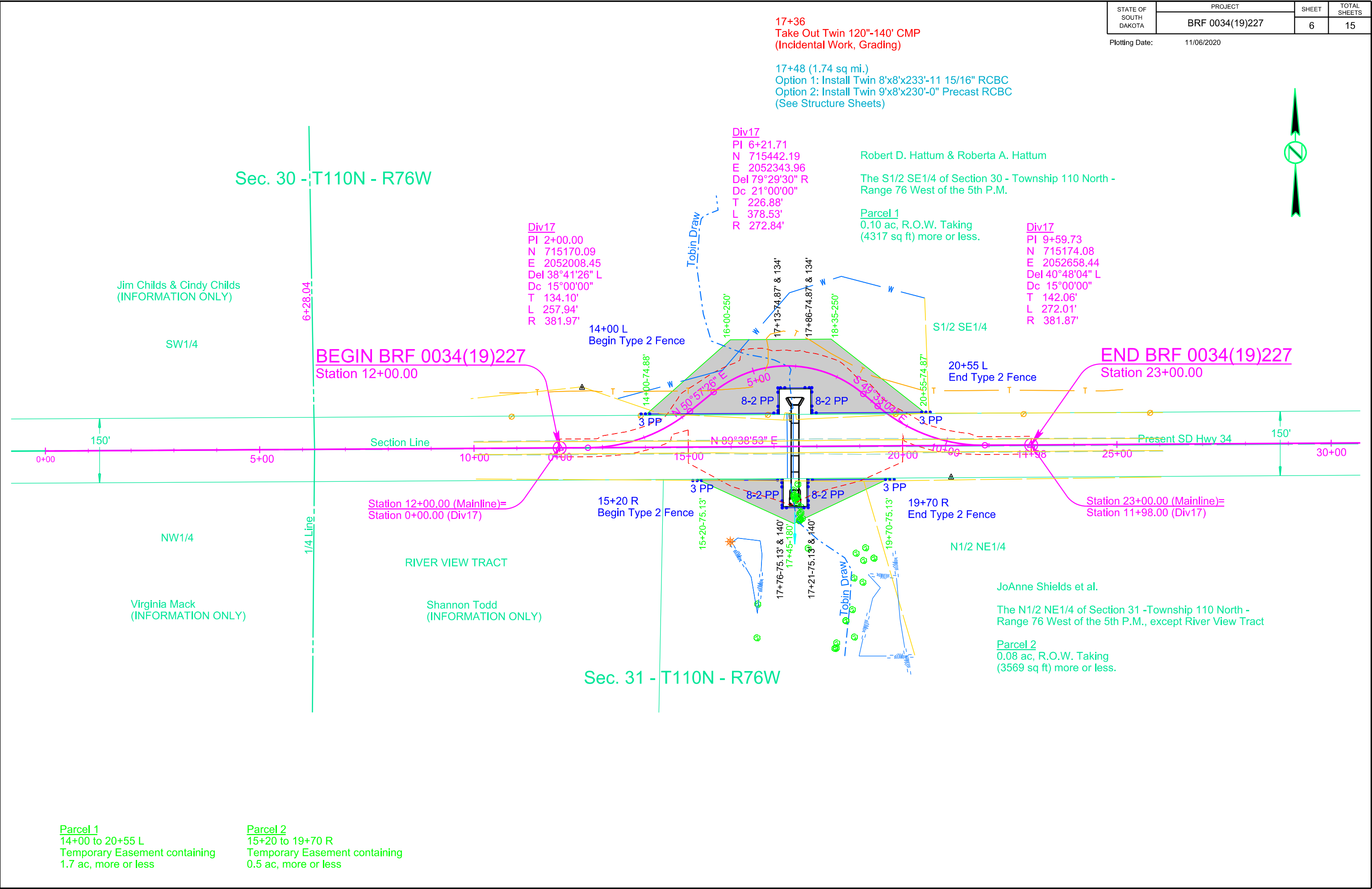


Figure 9-16 Combination Construction and Right of Way Plan Sheet



